

LAWS of MISSOURI

Passed at the
First Regular and First Extra Sessions
of the
SEVENTY-NINTH GENERAL ASSEMBLY

First Regular Session Which Convened at the City of Jefferson,
Wednesday, January 5, 1977 and Adjourned Thursday, June
30, 1977: First Extra Session Which Convened Wednesday,
August 10, 1977 and Adjourned Monday, September 26, 1977.



Published by
JAMES C. KIRKPATRICK
Secretary of State

In Compliance with Section 2.030, Revised Statutes of Missouri, 1969
and
Senate Concurrent Resolution No. 4
Seventy-Ninth General Assembly

Authority for Publishing Session Laws and Resolutions

Section 2.030, Revised Statutes of Missouri, 1969.—General Assembly to provide for printing and binding of laws.—The sixty-fourth general assembly and each general assembly thereafter, whether in regular or extraordinary session, shall by concurrent resolution adopted by both houses, provide for collating, indexing, printing and binding all laws and resolutions of the session and all measures approved by the people since the last publication of the laws and resolutions in the manner directed by the resolution. The general assembly may by concurrent resolution require that all laws passed by the general assembly and all resolutions adopted prior to any recess of the general assembly for a period of thirty days or more shall be collated, indexed, bound and distributed as provided by law, and any edition published pursuant to the concurrent resolution is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

Section 2.040, Revised Statutes of Missouri, 1969.—Duties of Secretary of State in printing and binding.—The secretary of state shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of such laws and resolutions, giving the date of the approval or adoption thereof for printing in accordance with directions of the general assembly as given by concurrent resolution. When the secretary of state is required by concurrent resolution to collate, index and cause to be printed and bound the laws, resolutions and constitutional amendments, he shall compare the proof sheets of the printed copies with the original rolls, note all errors which have been committed, if any, and cause errata thereof to be annexed to the completed printed copies, and shall insert therein an attestation under his hand that he has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in his office and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in his office.

Senate Concurrent Resolution No. 4.

BE IT RESOLVED by the Senate of the Seventy-ninth General Assembly, the House of Representatives concurring therein, that the Secretary of State of Missouri shall prepare and cause to be collated, indexed, printed and bound, all acts and resolutions of the Seventy-ninth General Assembly, First Regular Session and extra sessions, if any, occurring prior to the second regular session, and shall examine the printed copies and compare them with and correct the same by the original rolls and note all errors, if any, which have been committed and cause errata thereof to be annexed, together with an attestation under the hand of the Secretary of State that he has compared the same with the original rolls in his office and has corrected the same thereby.

The size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Secretary of State.

There shall be printed and bound three thousand copies of the acts and resolutions of the Seventy-ninth General Assembly with appropriate indexing.

Section 125.020, Revised Statutes of Missouri, 1969.—All amendments proposed to the Constitution of the state of Missouri by the General Assembly shall be published with the laws of the session at which they are proposed.

Section 126.030, Revised Statutes of Missouri, 1969.—The secretary of state shall cause every such measure so approved by the people to be printed with the general laws enacted by the next ensuing session of the general assembly, with the date of the governor's proclamation declaring the same to have been approved by the people.

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ATTESTATION

STATE OF MISSOURI)
) ss.
City of Jefferson)

I, JAMES C. KIRKPATRICK, Secretary of State of the State of Missouri, hereby certify that I have collated carefully the laws and resolutions passed by the Seventy-ninth General Assembly of the State of Missouri, convened in first regular and first extra session, as they are contained in the following pages and have compared them with the original rolls and have corrected them thereby. Black side headings are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this 1st day of March A. D. nineteen hundred and seventy-eight.

JAMES C. KIRKPATRICK
Secretary of State

EFFECTIVE DATE OF LAWS

Section 29, Article III of the Constitution provides:

"No law passed by the general assembly shall take effect until ninety days after the adjournment of the session at which it was enacted, except an appropriation act or in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly shall otherwise direct by a two-thirds vote of the members elected to each house, taken by yeas and nays; provided, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess."

The Seventy-ninth General Assembly, First Regular Session, convened January 5, 1977, and adjourned June 30, 1977, and under the above quoted constitutional provisions all laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) become effective ninety days thereafter or on September 28, 1977.

The First Extra Session of the Seventy-ninth General Assembly convened August 10, 1977, and adjourned September 26, 1977, and under the above quoted constitutional provisions the two appropriation acts passed became effective when approved by the Governor.

JOINT RESOLUTIONS AND INITIATIVE PETITIONS

Section 2(b), Article XII of the Constitution provides:

"All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. . . . If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election.

More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately."

The Seventy-ninth General Assembly, First Regular Session passed six Joint Resolutions to be submitted to the electors for their approval or rejection at the next general election.

* * * *

The headnotes used to describe sections reported herein may not be identical with the headnotes which will appear in the 1977 Supplement to the Revised Statutes of Missouri, 1969. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section, and every attempt has been made to follow the style used by the Revisor of Statutes in previous revisions of the statutes.

Laws Passed by the Seventy-ninth General Assembly (First Regular Session)

(H. B. 1)

APPROPRIATIONS: University of Missouri, State Board of Education and State Board of Fund Commissioners.

AN ACT to appropriate money from the State Seminary Moneys Fund, for the use of the University of Missouri; from the Seminary Fund, for the use of the Curators of the University of Missouri; for investment in registered bonds; from the State Public School Fund to the State Board of Education, for investment in registered bonds; from the Second State Building Bond Interest and Sinking Fund, for the use of the State Board of Fund Commissioners for the payment of Interest and Sinking Fund requirements of the Second State Building Bonds; to the Board of Fund Commissioners for the cost of processing State Building Bonds and Water Pollution Control Bonds; as provided by law; to include payments from the Water Pollution Control Bond and Interest and Sinking Fund, and to transfer money from the General Revenue Fund to the Second State Building Bond Interest and Sinking Fund, from the General Revenue Fund to the Water Pollution Control Bond and Interest Fund, and from the General Revenue Fund to the State Road Fund for the period beginning July 1, 1977 and ending June 30, 1978.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated for the period beginning July 1, 1977 and ending June 30, 1978, as follows:

Section 1.010. To the Board of Fund Commissioners

For the payment of interest and sinking fund requirements on the
Second State Building Bonds as provided by law

From the Second State Building Bond Interest and Sinking Fund ... \$4,438,894

Section 1.020. There is transferred out of the State Treasury,

chargeable to the General Revenue Fund, Four Million, Four
Hundred Fifty Three Thousand, Three Hundred Twelve Dollars
(\$4,453,312) to the Second State Building Bond Interest and Sinking
Fund

From General Revenue \$4,453,312

Section 1.030. To the Board of Fund Commissioners

For payment of interest and sinking fund requirements on the water
pollution control bonds as provided by law

From the Water Pollution Control Bond and Interest Fund \$5,803,368

Section 1.040. There is transferred out of the State Treasury,

chargeable to the General Revenue Fund, Eight Million, Three
Hundred Fifty Eight Thousand, Four Hundred Thirty Three
Dollars (\$8,358,433) to the Water Pollution Control Bond and
Interest Fund

From General Revenue \$8,358,433

Section 1.050. To the Curators of the University of Missouri

For the use of the University of Missouri

From the State Seminary Moneys Fund,

income from investments in bonds \$125,000

Section 1.060. To the Curators of the University of Missouri

For investment in registered federal, state, county, municipal, or school district bonds as provided by law

From the State Seminary Fund \$1,000,000

Section 1.070. To the State Board of Education

For investment in registered federal, state, county, municipal, or school district bonds as provided by law

From the State Public School Fund

Section 1.080. To the Board of Fund Commissioners

For expenses incurred in processing of state building bonds and water pollution control bonds

From General Revenue \$25,000

Section 1.090. There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Five Million, Two Hundred Thirty Five Thousand Dollars (\$5,235,000) to the State Road Fund

From General Revenue \$5,235,000

Approved May 3, 1977.

[C. C. S. H. B. 2]

APPROPRIATIONS: State Board of Education, Missouri School for Blind and Missouri School for Deaf.

AN ACT to appropriate money for the payment of salaries, wages and per diem of members, officers and employees; equipment purchase and repair, and operation and general expenses; and for other purposes of the State Board of Education and of the Department of Elementary and Secondary Education, including programs of Career and Adult Education, Vocational Rehabilitation, General Administration and Instruction, Training Schools for the Severely Handicapped, School for the Blind, School for the Deaf and the several divisions thereof; and to transfer money from the General Revenue Fund to the State School Moneys Fund and to the Office of Administration for the expenses of members of County Boards of Education for the period beginning July 1, 1977 and ending June 30, 1978; provided however, that the Department and programs contained herein shall furnish the General Assembly on a monthly basis with the expenditures by account number assigned by the Office of Administration, Division of Accounting, in the Chart of Accounts and Index for Fiscal Year 1978 Appropriations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund and for the agency for the purpose designated, for the period beginning July 1, 1977 and ending June 30, 1978, as follows:

Section 2.010. To the State Department of Elementary and Secondary Education

For administering the departments' programs of Career and Adult Education

APPROPRIATIONS

9

Personal Service	\$8,678
Operation	183
From General Revenue	<u>\$8,861</u>
Personal Service	1,144,400
Equipment Purchase and Repair	7,836
Operation	<u>410,211</u>
From Federal Funds	<u>\$1,562,447</u>
Personal Service	166,571
Equipment Purchase and Repair	1,086
Operation	<u>54,100</u>
From State School Moneys Fund	<u>\$221,757</u>
Total (Not to exceed 87 F.T.E.)	<u>\$1,793,065</u>

Section 2.020. To the State Department of Elementary and Secondary Education

For distribution to public educational institutions providing programs in vocational education

From Federal Funds	\$17,819,154
From State School Moneys Fund	<u>\$17,188,399</u>
Total	<u>\$35,007,553</u>

Section 2.030. To the State Department of Elementary and Secondary Education

For matching funds from federal and other sources for the construction and equipping of vocational area schools at Columbia, Fort Osage and Joplin

(This appropriation shall not be expended unless the amount allocated for each school is matched 50% or more from local and other sources.)

Columbia	\$400,000
Fort Osage	267,000
Joplin	<u>325,000</u>
From Revenue Sharing Trust Fund	<u>\$992,000</u>

Section 2.040. To the State Department of Elementary and Secondary Education

For distribution to public educational institutions providing programs in adult basic education

From General Revenue	\$301,985
From Federal Funds	<u>1,762,311</u>
Total	<u>\$2,064,296</u>

Section 2.050. To the State Department of Elementary and Secondary Education

For implementation of a statewide Testing and Screening Program for students at the elementary and secondary levels of education of which the summarized results for each school district shall be open to public inspection and reported by each school district to the Missouri Department of Elementary and Secondary Education

From General Revenue	\$250,000
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Section 2.060. To the State Department of Elementary and Secondary Education

For distribution to agencies providing skill training programs under the Comprehensive Employment and Training Act

From Federal Funds \$3,800,000

Section 2.070. To the State Department of Elementary and Secondary Education

For administering the department's programs of vocational rehabilitation and disability determination
Operation

From General Revenue \$20,417

Personal Service 6,368,042

Equipment Purchase and Repair 85,620

Operation 2,645,476

From Federal Funds \$9,099,138

Total (Not to exceed 523 F.T.E.) \$9,119,555

Section 2.080. To the State Department of Elementary and Secondary Education

For implementing the department's program of vocational rehabilitation of which the first priority of this program shall be rehabilitation of injured employees

From General Revenue \$2,800,000

From Federal Funds 15,935,957

Total \$18,235,957

Section 2.090. To the State Department of Elementary and Secondary Education

For implementing the department's program of disability determination

From Federal Funds \$3,248,829

Section 2.100. To the State Department of Elementary and Secondary Education

For General Administration and Instruction

Personal Service \$48,952

Operation 27,473

From General Revenue \$76,425

Personal Service 1,889,129

Equipment Purchase and Repair 23,263

Operation 842,921

From Federal Funds \$2,755,313

Personal Service 1,027,694

Equipment Purchase and Repair 7,892

Operation 294,667

From State School Moneys Fund \$1,330,253

Total (Not to exceed 200 F.T.E.) \$4,161,991

Section 2.110. To the State Department of Elementary and Secondary Education

In the event any or all teachers of any public school district elect to go on strike in violation of Chapter 105.530 RSMo., 1969, or time is lost by reason of any labor dispute or other employee work stoppage or

withholding of services, funds provided under the Foundation Plan for the salaries of teachers who are participating in the strike, labor dispute, or other work stoppage or withholding of services, shall not be distributed to that district for the duration of the strike, labor dispute, or other work stoppage or withholding of services. After settlement of any strike, labor dispute, or other work stoppage or withholding of services, funds under the Foundation Plan are hereby prohibited from being used to reimburse any public school district for salaries of teachers who participated in such strike, labor dispute or other employee work stoppage or withholding of services for the period of such strike, labor dispute or other employee work stoppage or withholding of services. Nothing in this section shall prohibit the use of Foundation monies to pay teachers who provide services beyond the planned school year as defined by the district board in order for the district to comply with the provisions of sections 160.011 and 163.021.

All sums credited to the State School Moneys Fund from whatever source and not elsewhere appropriated for the support of the free public schools under the Foundation Plan

From State School Moneys Fund\$480,839,713

Section 2.120. To the State Department of Elementary and Secondary Education

There is transferred out of the state treasury, chargeable to the General Revenue Fund, Four Hundred Forty-three Million, Ninety-six Thousand, Nine Hundred Sixty-nine Dollars (\$443,096,969) to the State School Moneys Fund

From General Revenue\$443,096,969

Section 2.140. To the State Department of Elementary and Secondary Education

For State School Building Aid to Reorganized School Districts

From General Revenue \$350,000

Section 2.150. To the State Department of Elementary and Secondary Education

For the purpose of paying advisors' salaries as provided in Section 169.580 RSMo 1969, pertaining to the Special School Advisor Program

From General Revenue \$360,960

Section 2.160. To the State Department of Elementary and Secondary Education

For School Food Services

From General Revenue \$3,794,547

From Federal Funds 47,227,485

Total\$51,022,032

Section 2.170. To the State Department of Elementary and Secondary Education

For Elementary and Secondary Education Act

From Federal Funds\$45,000,000

Section 2.180. To the State Department of Elementary and Secondary Education

For Learning Resources, Innovation, Special and Support Programs

From Federal Funds \$7,500,000

Section 2.190. To the State Department of Elementary and Secondary Education	
For Handicapped Preschool and School Programs	
From Federal Funds	\$9,611,500
Section 2.200. To the State Department of Elementary and Secondary Education	
For Highway Safety Program	
From Federal Funds	\$285,830
Section 2.210. To the State Department of Elementary and Secondary Education	
For Desegregation Technical Assistance to local school districts	
From Federal Funds	\$100,000
Section 2.220. To the State Department of Elementary and Secondary Education	
For payments for county school superintendents as provided in Chapter 179, RSMo., 1969, for expenses incurred prior to July 1, 1977.	
From General Revenue	\$14,870
From State School Moneys Fund	126,342
Total	\$141,212
Section 2.230. To the State Department of Elementary and Secondary Education for the Office of Administration	
For the purpose of paying expenses as provided in Section 162.151 RSMo. 1969, pertaining to County School Board Expenses	
From State School Moneys Fund	\$6,000
Section 2.240. To the State Department of Elementary and Secondary Education	
For Missouri School for the Deaf including the hiring of 1 Audiologist, 1 Houseparent Aid, 3 Teachers, and 1 Houseparent Supervisor that were not employed as of June 30, 1976.	
For Missouri School for the Deaf	
Personal Service	\$191,420
Equipment Purchase and Repair	14,000
Operation	55,393
From Federal Funds	\$260,813
Personal Service	1,487,774
Equipment Purchase and Repair	69,650
Operation	365,002
From State School Moneys Fund	\$1,922,426
Total (Not to exceed 202 F.T.E.)	\$2,183,239
Section 2.250. To the State Department of Elementary and Secondary Education	
For Missouri School for the Deaf	
From Deaf Trust Fund	\$82,000
Section 2.260. To the State Department of Elementary and Secondary Education	
For Missouri School for the Blind	
Personal Service	\$231,006
Equipment Purchase and Repair	10,000
Operation	55,326

From Federal Funds	\$296,332
Personal Service	1,138,876
Equipment Purchase and Repair	48,932
Operation	274,271
From State School Moneys Fund	\$1,462,079
Total (Not to exceed 136 F.T.E.)	\$1,758,411
Section 2.270. To the State Department of Elementary and Secondary Education	
For the Missouri School for the Blind	
From Blind Trust Fund	\$400,000
Section 2.280. To the State Department of Elementary and Secondary Education	
For Training of Blind and Deaf Children enrolled in the Perkins Program in Watertown, Massachusetts	
From General Revenue	\$90,000
Section 2.290. To the State Department of Elementary and Secondary Education	
For State Schools for Severely Handicapped Children	
Personal Service	\$4,314,291
Equipment Purchase and Repair	278,300
Operation	3,846,814
From General Revenue	\$8,439,405
Personal Service	659,688
Equipment Purchase and Repair	27,350
Operation	401,546
From Federal Funds	\$1,088,584
Total (Not to exceed 596.75 F.T.E.)	\$9,527,989
Section 2.300. To the State Department of Elementary and Secondary Education	
For investment or purchase of special services	
From Handicapped Children's Trust Fund	\$35,000
Section 2.310. To the State Department of Elementary and Secondary Education	
For the purpose of paying the cost of employee subsidies in the operation of sheltered workshops	
From General Revenue	\$3,403,000
Section 2.320. To the State Department of Elementary and Secondary Education	
For Missouri Advisory Council on Vocational Education	
Personal Service	\$79,272
Equipment Purchase and Repair	2,200
Operation	101,500
From Federal Funds (Not to exceed 6 F.T.E.)	\$182,972
EFFECTIVE JULY 1, 1977, THE DEPARTMENT AND PROGRAMS REFERRED TO IN SECTIONS 2.010, 2.020, 2.030, 2.040, 2.050, 2.060, 2.070, 2.080, 2.090, 2.100, 2.110, 2.120, 2.140, 2.150, 2.160, 2.170, 2.180, 2.190, 2.200, 2.210, 2.220, 2.230, 2.240, 2.250, 2.260, 2.280, 2.290, 2.300, 2.310 and 2.320 shall provide the	

Appropriations Committees of the House of Representatives, Senate, and the Committee on State Fiscal Affairs with the following information on a monthly basis: Expenditures by account number assigned by the Office of Administration, Division of Accounting, in The Chart of Accounts and Index for Fiscal Year 1978 Appropriations; federal fund expenditures by grant and purpose together with the Public Law number authorizing such expenditures and the grant identifier number; notification of termination of any federal grant and disposition of any FTE employed under such grant. In the event state funds are appropriated to match an anticipated federal grant and the grant is not made, such funds may not be used for other purposes. In the event federal funds are terminated during Federal Fiscal Year 1978, state funds appropriated to match such federal funds may not be used for other purposes and the state funds shall lapse.

Approved June 29, 1977.

[C. C. S. H. B. 3]

APPROPRIATIONS: Department of Revenue.

AN ACT to appropriate money for the payment of wages, salaries, and per diem of the officers and employees; for the operating and general expenses of the Department of Revenue and the several divisions thereof; for the payment of the State's part in assessing and collecting the revenue; and for refunding of taxes; for the period beginning July 1, 1977 and ending June 30, 1978; provided however that the Department and programs contained herein shall furnish the General Assembly on a monthly basis with the expenditures by account number assigned by the Office of Administration, Division of Accounting, in the Chart of Accounts and Index for Fiscal Year 1978 Appropriations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency for the purpose designated, for the period beginning July 1, 1977 and ending June 30, 1978, as follows:

Section 3.010. To the Department of Revenue

For the Division of Administration

Personal Service	\$382,860
Equipment Purchase and Repair	48,585
Operation	665,203

From General Revenue \$1,096,648

Personal Service	605,784
Equipment Purchase and Repair	70,775
Operation	1,257,262

From State Highway Department Fund \$1,933,821

Total (Not to exceed 94 2/12 F.T.E.) \$3,030,469

Section 3.020. To the Department of Revenue

For the Division of Information Systems

Personal Service	\$605,877
Equipment Purchase and Repair	14,419
Operation	251,761

From General Revenue \$872,057

Personal Service	1,434,372
Equipment Purchase and Repair	28,881
Operation	736,535

From State Highway Department Fund	\$2,199,788
Total (Not to exceed 211 F.T.E.)	\$3,071,845

Section 3.030. To the Department of Revenue**For the Division of Taxation**

Personal Service	\$5,056,406
Equipment Purchase and Repair	41,668
Operation	895,790
From General Revenue	\$5,993,864
Personal Service	475,456
Equipment Purchase and Repair	5,417
Operation	73,344
From State Highway Department Fund	\$554,217
Total (Not to exceed 575.5 F.T.E.)	\$6,548,081

Section 3.035.

There is transferred to General Revenue out of the State Treasury, chargeable to the Conservation Commission Fund, two percent (2%) of the funds received into the Conservation Commission Fund through the imposition of the additional one-eighth ($\frac{1}{8}\%$) sales tax earmarked for use by the Conservation Commission to cover the cost of collection.

From the Conservation Commission Fund**Section 3.040. To the Department of Revenue****For the Division of Motor Vehicle and Drivers Licensing, excluding all**

Branch Offices	
Personal Service	\$51,317
Operation	53,611
From Federal Funds	\$104,928
Personal Service	3,359,673
Equipment Purchase and Repair	41,840
Operation	3,456,430
From State Highway Department Fund	\$6,857,943
Total (Not to exceed 428 F.T.E.)	\$6,962,871

Section 3.050. To the Department of Revenue**For the Division of Motor Vehicle and Drivers Licensing**

For personal service, equipment purchase and repair, and operation expenditures for the thirteen (13) existing branch offices; this appropriation is to be the sole source of funding for the thirteen offices on the basis of one dollar and five cents (\$1.05) per transaction and any funds not required on this basis shall lapse.

From State Highway Department Fund	\$2,371,584
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Section 3.060. To the Department of Revenue**For the State Tax Commission**

Personal Service	\$264,369
Equipment Purchase and Repair	2,000
Operation	155,641
From General Revenue (Not to exceed 22.75 F.T.E.)	\$422,010

Section 3.070. To the Department of Revenue	
For the State Tax Commission	
For the purchase of professional and technical services for consulting and appraisal assistance to establish assessment ratios in Counties and the City of St. Louis pursuant to Section 163.031 RSMo 1969	
From General Revenue	\$375,000
Section 3.080. To the Department of Revenue	
For the Highway Reciprocity Commission	
Personal Service	\$219,799
Equipment Purchase and Repair	1,500
Operation	54,014
From State Highway Department Fund (Not to exceed 25.25 F.T.E.)	\$275,313
Section 3.090. To the Department of Revenue	
For paying refunds for overpayment or erroneous payment of any tax or payment which is credited to General Revenue	
From General Revenue	\$81,880,000
Section 3.100. To the Department of Revenue	
For refunding of any tax or fee credited to the State Highway Department Fund	
From State Highway Department Fund	\$166,000
Section 3.110. To the Department of Revenue	
For the State's share of the cost of assessing and collecting the revenue	
From General Revenue	\$2,500,000
Section 3.120. To the Department of Revenue	
For distribution to cities of all funds accruing to the Motor Fuel Tax Fund under the provisions of Sections 30(a) and 30(b), Article IV, Constitution of Missouri	
From Motor Fuel Tax Fund	\$39,000,000
Section 3.130. To the Department of Revenue	
All receipts from gasoline taxes for distribution to counties under the provisions of Sections 30(a) and 30(b), Article IV, Constitution of Missouri	
From County Aid Road Trust Fund	\$13,000,000
Section 3.140. To the Department of Revenue	
For refunds of Motor Fuel Taxes	
From State Highway Department Fund	\$10,500,000
Effective July 1, 1977, the Department and programs referred to in Section 3.010, 3.020, 3.030, 3.035, 3.040, 3.050, 3.060, 3.070, 3.080, 3.090, 3.100, 3.110, 3.120, 3.130, and 3.140 shall provide the Appropriations Committees of the House of Representatives, Senate, and the Committee on State Fiscal Affairs with the following information on a monthly basis: Expenditures by account number assigned by the Office of Administration, Division of Accounting, in The Chart of Accounts and Index for Fiscal Year 1978 Appropriations; federal fund expenditures and purpose together with the public law number authorizing such expenditures and the grant identifier number; notification of termination of any federal grant and disposition of any FTE employed under such grant. In the event state funds are appropriated to match an anticipated federal grant and the grant is not made, such funds may not be used for other purposes. In the event federal funds are terminated during Federal Fiscal Year 1978, state funds appropriated to	

match such federal funds may not be used for other purposes and the state funds shall lapse.

Approved June 29, 1977.

[C. C. S. H. B. 4]

APPROPRIATIONS: Civil officers and employees.

AN ACT to appropriate money to pay the salaries, wages, and per diem and other expenses of the civil officers and employees of the state, and for certain payments and grants as follows: Chief Executive's Office and Mansion, Lieutenant Governor, State Auditor, Secretary of State, State Treasurer, Attorney General, the Judiciary, Office of Administration, Department of Agriculture, Department of Conservation, Department of Consumer Affairs, Regulation and Licensing, Department of Highways, Department of Labor and Industrial Relations, Department of Natural Resources, Department of Public Safety, Department of Transportation, and other state agencies, and to transfer money among certain funds, for the period beginning July 1, 1977 and ending June 30, 1978; provided however that the Departments and programs contained herein shall furnish the General Assembly on a monthly basis with the expenditures by account number assigned by the Office of Administration, Division of Accounting, in the Chart of Accounts and Index for Fiscal Year 1978 Appropriations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund and for the agency for the purpose designated, for the period beginning July 1, 1977 and ending June 30, 1978, as follows:

Section 4.010. To the Governor

Salary of the Governor	\$37,500
Equipment Purchase and Repair and Operation for the Mansion ...	53,454
Contingent Expenses	634,623
From General Revenue	\$725,577

Section 4.015. To the Governor

For expenses incident to emergency duties performed by the National Guard when ordered by the Governor, as authorized by Chapter 4.500 RSMo. 1969

From General Revenue	\$500,000
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Section 4.020. To the Governor

For all moneys in the Agricultural Emergency Fund for investment, reinvestment, and for emergency agricultural relief and rehabilitation as provided by law

From Agricultural Emergency Fund	\$8,500,000
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Section 4.025. To the Governor

For participation by the State of Missouri in the National Governor's Conference

From General Revenue	\$29,150
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Section 4.035. To the Governor

For personal services and operation expenditures for the Governor's Mansion Preservation Advisory Commission

From General Revenue	\$9,300
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Section 4.040. To the Governor

For participation by the State of Missouri in the Ozark Regional Commission

From General Revenue \$66,000

Section 4.045. To the Governmental Emergency Fund Committee

For allocation by the Committee to state agencies which qualify for emergency or supplemental funds under the provisions of Chapter 33.700, RSMo. 1969

From General Revenue \$150,000

Section 4.050. To the Lieutenant Governor

Personal Service \$69,941

Equipment Purchase and Repair 415

Operation 26,048

From General Revenue (Not to exceed 5 F.T.E.) \$96,404

Section 4.055. To the State Auditor

Personal Service \$1,269,807

Equipment Purchase and Repair 13,100

Operation 531,739

From General Revenue \$1,814,646

Personal Service 168,201

Operation 29,730

From State Highway Department Fund \$197,931

Total (Not to exceed 95 F.T.E.) \$2,012,577

Section 4.060. To the Secretary of State

Personal Service \$1,180,352

Equipment Purchase and Repair 50,079

Operation 1,327,173

From General Revenue \$2,557,604

Personal Service 57,555

Equipment Purchase and Repair 3,290

Operation 242,910

From Computer Output Microfilm Revolving Fund \$303,755

Total (Not to exceed 122.5 F.T.E.) \$2,861,359

Section 4.065. To the Secretary of State

For the Missouri Elections Commission

Personal Service \$270,765

Equipment Purchase and Repair 2,500

Operation 151,350

From General Revenue (Not to exceed 23 F.T.E.) \$424,615

(If the final disposition of the Supreme Court declares Section 4.065 void, then thirty (30) days thereafter the funds appropriated herein for the purposes of administering those sections shall lapse.)

Section 4.070. To the Secretary of State

For expenses of initiative referendum and constitutional amendments

From General Revenue \$82,500

Section 4.080. To the Secretary of State

For refunds of securities, corporations, uniform commercial code and

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miscellaneous collections of the Secretary of State's Office	
From General Revenue	\$50,000
Section 4.085. To the State Treasurer	
For Administration	
Personal Service	\$230,558
Equipment Purchase and Repair	19,975
Operation	86,356
From General Revenue	\$336,889
Personal Service	
From the State Highway Department Fund	\$144,072
Total (Not to exceed 30.25 F.T.E.)	\$480,961
Section 4.090. To the State Treasurer	
For issuing duplicate checks or drafts as provided by law	
From General Revenue	\$75,000
Section 4.095. To the Attorney General	
For Administration	
Personal Service	\$1,251,753
Equipment Purchase and Repair	82,100
Operation	283,960
From General Revenue (Not to exceed 85.4 F.T.E.)	\$1,617,813
Section 4.100. To the Attorney General	
For payment of court costs where it is the duty of the Attorney General to prosecute, defend or appear	
From Attorney General's Court Cost Fund	\$20,000
Section 4.105. There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Fifteen Thousand Dollars (\$15,000) to the Attorney General's Court Cost Fund	
From General Revenue	\$15,000
Section 4.110. To the Attorney General	
For defense of second injury and workmen's compensation cases	
From Workmen's Compensation Fund	\$65,000
Section 4.115. To the Attorney General	
All allotments, grants, and contributions from the federal government pertaining to the Omnibus Crime Control and Safe Streets Act of 1968, or any other source which may be deposited in the State Treasury for the use of the Attorney General	
From Federal Funds and Other Sources	\$250,000
Section 4.120. To the Attorney General	
For payment to the Attorney General to prosecute violators of the Missouri Antitrust Laws	
From Attorney General's Antitrust Revolving Trust Fund	\$72,000
Section 4.125. There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Forty Seven Thousand Dollars (\$47,000) to the Attorney General's Antitrust Revolving Trust Fund	
From General Revenue	\$47,000
Section 4.130. To the Attorney General	
For the Professional Liability Review Board	

Personal Service	\$41,552
Equipment Purchase and Repair	4,194
Operation	143,002
From Professional Liability Review Board Fund (Not to exceed 3 F.T.E.)	\$188,748
Section 4.135. There is transferred out of the State Treasury, chargeable to the General Revenue Fund, One Hundred Ninety Four Thousand, Four Hundred Eighty Nine Dollars (\$194,489) to the Attorney General's Professional Liability Review Board Fund	
From General Revenue	\$194,489
Section 4.140. To the Supreme Court For Clerk and Judiciary	
Personal Service	\$861,131
Equipment Purchase and Repair	34,624
Operation	186,681
From General Revenue (Not to exceed 54.25 F.T.E.)	\$1,082,436
Personal Service	12,732
Operation	15,305
From Federal Funds	\$28,037
Total (Not to exceed 54.25 F.T.E.)	\$1,110,473
Section 4.145. To the Supreme Court For the State Courts Administrator	
Personal Service	\$207,820
Equipment Purchase and Repair	6,132
Operation	41,050
From General Revenue	\$255,002
Personal Service	285,150
Equipment Purchase and Repair	185,000
Operation	239,098
From Federal Funds	\$709,248
Total (Not to exceed 37 F.T.E.)	\$964,250
Section 4.150. To the Supreme Court For the payment of contingent expenses	
From General Revenue	\$5,000
Section 4.155. To the Supreme Court All allotments, grants and contributions of funds from the federal government pertaining to the Omnibus Crime Control Act of 1968 (PL 90-351), as amended, or from any other source which may be deposited in the State Treasury for the use of the Supreme Court and other state courts	
From Federal Funds	\$1,500,000
Section 4.160. To the Supreme Court For the expenses of the members of the Appellate Judicial Commission and the several circuit judicial commissions in circuits having the non-partisan court plan, and for services rendered by clerks of the Supreme Court, courts of appeals and clerks in circuits having the non-partisan court plan for giving notice of and conducting elections as ordered by the Supreme Court	
From General Revenue	\$5,665

Section 4.165. To the Supreme Court

For compensation and expenses of judges of circuit courts and courts of criminal corrections as provided by law

From General Revenue	\$3,439,000
From Court Judicial Fund	250,000
Total	<u>\$3,689,000</u>

Section 4.170. To the Supreme Court

For compensation and expenses of court reporters of circuit courts and courts of criminal corrections

From General Revenue	\$922,288
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Section 4.175. To the Supreme Court

For the compensation and expenses of magistrate and probate judges and compensation of magistrate clerks

From General Revenue	\$4,502,140
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Section 4.180. To the Supreme Court

For the compensation of juvenile officers

From General Revenue	\$250,200
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Section 4.185. To the Commission on Retirement, Removal, and Discipline of Judges

For payment of expenses of the Commission

From General Revenue	\$42,500
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Section 4.190. To the Court of Appeals - Kansas City District

Personal Service	\$570,176
Equipment Purchase and Repair	4,800
Operation	<u>108,669</u>

From General Revenue	\$683,645
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Equipment Purchase and Repair	2,500
Operation	<u>12,250</u>

From Federal Funds	\$14,750
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Total (Not to exceed 36.3 F.T.E.)	\$698,395
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(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants, made under PL 93-83, as amended)

Section 4.195. To the Court of Appeals - St. Louis District

Personal Service	\$786,409
Equipment Purchase and Repair	10,670
Operation	<u>54,545</u>

From General Revenue	\$851,624
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Personal Service	35,900
Equipment Purchase and Repair	2,750
Operation	<u>12,000</u>

From Federal Funds	\$50,650
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Total (Not to exceed 53.1 F.T.E.)	\$902,274
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(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants made under Public Law 93-83, as amended)

Section 4.200. To the Court of Appeals - Springfield District

Personal Service	\$390,625
Equipment Purchase and Repair	5,712
Operation	<u>88,589</u>

From General Revenue	\$484,926
Operation	
From Federal Funds	\$14,463
Total (Not to exceed 26 F.T.E.)	\$499,389

(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants made under PL 93-83, as amended)

Section 4.205. To the Public Defender Commission

For Full Time Public Defenders

Personal Service	\$1,557,493
Equipment Purchase and Repair	21,428
Operation	246,593

From General Revenue (Not to exceed 134.5 F.T.E.)	\$1,825,514
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(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants made under PL 93-83, as amended)

Section 4.210. To the Public Defender Commission

For Appointed Counsel Payments

From General Revenue	\$511,255
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(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants made under PL 93-83, as amended)

Section 4.215. To the Office of Administration

For the Commissioner's Office and Staff Services

Personal Service	\$216,870
Equipment Purchase and Repair	2,973
Operation	68,159

From General Revenue	\$288,002
Operation	

From State Highway Department Fund	\$1,525
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Total (Not to exceed 18 F.T.E.)	\$289,527
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Section 4.220. To the Office of Administration

For Flight Operations

Personal Service	\$29,910
Equipment Purchase and Repair	325

From General Revenue	\$30,235
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Personal Service	32,283
Operation	242,852

From Office of Administration

Revolving Administrative Trust Fund	\$275,135
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Total (Not to exceed 4 F.T.E.)	\$305,370
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Section 4.225. To the Office of Administration

For the Division of Accounting

Personal Service	\$532,489
Equipment Purchase and Repair	23,595
Operation	450,158

From General Revenue	\$1,006,242
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Personal Service	18,415
Operation	3,800

From State Highway Department Fund	\$22,215
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Total (Not to exceed 51.25 F.T.E.)	\$1,028,457
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Section 4.230. To the Office of Administration**For the Division of Budget and Planning**

Personal Service	\$279,423
Equipment Purchase and Repair	3,100
Operation	68,235

From General Revenue \$350,758

Personal Service	333,028
Operation	328,050

From Federal Funds \$661,078

Total (Not to exceed 40.75 F.T.E.) \$1,011,836

Section 4.235. To the Office of Administration**For the Division of Design and Construction**

Personal Service	\$1,124,242
Equipment Purchase and Repair	45,700
Operation	1,345,147

From General Revenue \$2,515,089

Personal Service	21,248
Operation	31,552

From State Highway Department Fund \$52,800

Total (Not to exceed 116.75 F.T.E.) \$2,567,889

Section 4.240. To the Office of Administration**For the Division of EDP Coordination**

Personal Service	\$624,811
Equipment Purchase and Repair	4,285
Operation	1,018,836

From General Revenue \$1,647,932

Personal Service	126,315
Operation	288,101

From the Office of Administration Revolving Administrative

Trust Fund	\$414,416
Personal Service	30,784
Operation	647,822

From State Highway Department Fund \$678,606

Total (Not to exceed 64 F.T.E.) \$2,740,954

Section 4.245. To the Office of Administration**For the Division of Personnel**

Personal Service	\$831,137
Equipment Purchase and Repair	14,459
Operation	156,697

From General Revenue (Not to exceed 70 F.T.E.) \$1,002,293

Section 4.250. To the Office of Administration**For the Division of Purchasing**

Personal Service	\$489,308
Equipment Purchase and Repair	31,300
Operation	113,292

From General Revenue \$633,900

Operation

From Office of Administration Revolving Administrative	
Trust Fund	\$50,000
Personal Service	12,979
Operation	2,011
From State Highway Department Fund	<u>\$14,990</u>
Total (Not to exceed 48 F.T.E.)	\$698,890

Section 4.255. To the Board of Public Buildings

For payment of building and ground expenses for state agencies
occupying space in the City of Jefferson

From General Revenue	\$1,924,152
From the State Board of Accountancy Fund	3,066
From the Board of Barber Examiners Fund	2,574
From the Chiropractic Examiners Fund	946
From the State Board of Cosmetology Fund	12,532
From the Board of Embalmers and Funeral Directors Fund	2,253
From the Board of Registration for Healing Arts Fund	12,162
From the State Board of Nursing Fund	13,099
From the State Board of Optometry Fund	568
From the State Board of Pharmacy Fund	5,982
From the State Board of Podiatry Fund	95
From the Missouri Real Estate Commission Fund	14,188
From the Veterinary Board Fund	890
From the Milk Inspection Fees Fund	2,661
From the Workmen's Compensation Fund	<u>56,108</u>
Total	\$2,051,276

Section 4.260. To the Board of Public Buildings

For payment of building and ground expenses for state agencies
occupying space in Kansas City Office Building

From General Revenue	\$982,069
From Conservation Commission Fund	9,639
From State Highway Department Fund	74,488
From Workmen's Compensation Fund	<u>39,359</u>
Total	\$1,105,555

Section 4.265. To the Office of Administration

For the purchase of insurance for state government including payment
of premiums for blanket surety bond coverage for all state
employees, aircraft, automobile, and watercraft liability insurance
and boiler and machinery insurance

From General Revenue	\$442,236
From Conservation Commission Fund	151,712
From Highway Fund	165,279
From Revolving Trust Fund	<u>108,609</u>
Total	\$867,836

Section 4.270. To the Office of Administration

For payment of OASDHI taxes for all state employees and for the
transfer of OASDHI taxes received from participating political

subdivisions within the state to the Treasurer of the United States for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended, in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health, Education and Welfare; and for administration of the agreement under Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees

From General Revenue	\$20,313,000 E
From Federal Funds	1,332,000 E
From Other Sources	11,655,000 E
From the Contributions Fund	\$33,300,000 E

Section 4.275. To the Office of Administration

All sums from whatever source received, or so much as may be necessary for payment of the state's contribution to the Missouri State Employees' Retirement System

From General Revenue	\$21,785,000 E
From Federal Funds	2,065,000 E
From Other Sources	7,375,000 E
From the State Retirement Contributions Fund	\$31,225,000 E

Section 4.280. To the Office of Administration

For the purpose of providing to state employees workmen's compensation insurance coverage through self-insurance coverage as is now required for employees of the Department of Social Services, the Department of Mental Health, and the Missouri Military Forces (for injuries incurred during the period previous to July 1, 1970 and subsequent injuries after June 30, 1973 occurring during periods of military alert), and to provide for those state employees to whom the Office of Administration provides coverage either by contractual agreement with a private insurance carrier or through a self-insurance program administered by the Office of Administration

From General Revenue	\$1,451,100
From The Conservation Commission Fund	44,900
Total	\$1,496,000

Section 4.285. To the Office of Administration

For administering a workmen's compensation insurance and safety program for State of Missouri employees

Personal Service	\$84,954
Equipment Purchase and Repair	2,523
Operation	54,770
From General Revenue (Not to exceed 9 F.T.E.)	\$142,247

Section 4.290. To the Office of Administration

For the administration of a Deferred Compensation Program

From General Revenue	\$25,000
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Section 4.295. To the Office of Administration

For reimbursing the Division of Employment Security benefit account for claims paid to the state employees under provisions of Chapter 288 RSMo Cum. Supp. 1973

From General Revenue	\$950,000
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Section 4.300. To the Office of Administration	
For development of a statewide accounting and financial management system	
From General Revenue	\$2,200,000
Section 4.303. To the Office of Administration	
To reimburse the governing body of all counties without a charter form of government and all cities not within a county for the payment of additional compensation to prosecuting attorneys in those counties and cities for the performance of additional duties imposed by HB 601, Seventy-ninth General Assembly, First Regular Session	
From General Revenue	\$225,000
Section 4.305. To the Office of Administration	
For the initial development of an improved state payroll system	
From General Revenue	\$500,000
Section 4.310. To the Office of Administration	
For the payment of claims against the Escheats Fund as provided by law	
From the Escheats Fund	\$100,000
Section 4.315. To the Office of Administration	
For settlement of claims against the State of Missouri as provided by Chapter 105.710 RSMo Cum. Supp. 1973	
From Tort Defense Fund	\$37,500
Section 4.320. There is transferred out of the State Treasury, chargeable to the General Revenue Fund Thirty Seven Thousand, Five Hundred Dollars (\$37,500) to the Tort Defense Fund	
From General Revenue	\$37,500
Section 4.325. To the Office of Administration	
For participation by the State of Missouri in the compact for the Educational Commission of the States	
From General Revenue	\$18,750
Section 4.330. To the Office of Administration	
To pay the several counties of Missouri the amount that has been paid into the General Revenue Fund by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress, approved June 28, 1938, and to be distributed to certain counties in Missouri in accordance with the provisions of state law	
From General Revenue	(Estimate \$820,000)
Section 4.335. To the Office of Administration	
To pay the several counties of Missouri the amount that has been paid into the General Revenue Fund by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress, approved June 28, 1938, and to be distributed to certain counties of Missouri	
From General Revenue	(Estimate \$1,900,000)
Section 4.340. To the Office of Administration	
For apportionment to the several counties and the City of St. Louis all amounts accruing to the General Revenue Fund from the County Foreign Insurance Tax	
From General Revenue	\$20,500,000

Section 4.345. To the Office of Administration

For apportionment to the several counties and the City of St. Louis all amounts accruing to the General Revenue Fund from the County Stock Insurance Tax

From General Revenue \$420,000

Section 4.350. To the Office of Administration

For apportionment to the several counties and the City of St. Louis all amounts accruing to the General Revenue Fund from the County Private Car Tax

From General Revenue \$300,000

Section 4.355. To the Office of Administration

For distribution to the Board of Curators of the University of Missouri and the Board of Curators of Lincoln University. This grant is for use in the Colleges of Agriculture and Mechanical Arts under Acts of Congress approved August 30, 1890 (26 Stat. L. 417-419) and March 4, 1907 (34 Stat. L. 1256; 1281-1282) Department of Health, Education and Welfare and Office of Education. Funds to be apportioned as follows: 1/16 of total to Lincoln University; 1/4 to University of Missouri, Rolla; balance to University of Missouri, Columbia

From Federal Funds \$300,000

Section 4.360. To the Office of Administration

For distribution of funds made available under the Statewide Economic Development Planning Program

From Federal Funds \$125,000

Section 4.365. To the Office of Administration

For distribution to regional planning commissions and local governments of funds made available under the H.U.D. Comprehensive Planning Assistance Program

From Federal Funds \$890,000

Section 4.370. To the Office of Administration

For grants to regional planning commissions pursuant to the provisions of Chapter 251.032 Cum. Supp. RSMo 1973

From General Revenue \$525,000

Section 4.375. To the Office of Administration

To pay the claims approved by the county courts for the payment of the costs in criminal cases, except payment of attorneys fee and for the transportation of convicted criminals to the state penitentiaries as well as the costs for reimbursement of the expenses associated with extradition

From General Revenue \$3,298,000

Section 4.380. To the Office of Administration

For payment to counties the sum of fifty dollars per month toward the care and maintenance of each delinquent or dependent child as provided in Chapter 210, RSMo Cum. Supp. 1973

From General Revenue \$500,000

Section 4.385. To the Office of Administration

To provide readers for blind students who wish to attend a college, university, technical or professional school located in this state and authorized by law to grant degrees

From General Revenue \$14,000

Section 4.390. To the Office of Administration

For expenses incurred by the Cole County Prosecuting Attorney's Office
for lobbyist registration enforcement

From General Revenue \$21,003

Section 4.395. To the Office of Administration

For purchase of aircraft and aircraft equipment

From Revenue Sharing Trust Fund \$1,480,000

Section 4.400. To the Office of Administration

For grants for the control of storm water in St. Louis County: for those areas in St. Louis County under the control and jurisdiction of the Metropolitan Sewer District on a matching basis with funds from the Metropolitan Sewer District, the federal government, political subdivisions of the state, or from any other source which may be available, with the state's share being no more than one-third the total cost of any project; and for those areas in St. Louis County not under the control and jurisdiction of the Metropolitan Sewer District, to be matched by funds from other sewer districts, the federal government, political subdivisions of the state, or from any other source which may be available, with the state's share being no more than one-third the total cost of any project; provided that all projects which are to utilize state funds are certified by the St. Louis County Council to the Commissioner of Administration so as to assure uniformity of effort in alleviating the problem of storm water within St. Louis County

From Revenue Sharing Trust Fund \$500,000

Section 4.405. To the Office of Administration

For distribution to state agencies of funds made available under the Intergovernmental Personnel Act

From Federal Funds \$175,000

Section 4.410. To the Office of Administration

For distribution to state agencies of funds made available under the Comprehensive Education and Training Act

From Federal Funds \$60,000

Section 4.415. To the Office of Administration

For distribution of funds made available under the ACTION Program

From Federal Funds \$40,000

Section 4.420. To the Office of Administration

For planning and developing a statewide system for the advocacy of citizens with developmental disabilities

From Federal Funds \$200,000

Section 4.425. To the Department of Agriculture

For Administration

Personal Service \$145,565

Equipment Purchase and Repair 8,045

Operation 48,801

From General Revenue (Not to exceed 10 F.T.E.) \$202,411

Section 4.430. To the Department of Agriculture

For the Division of Administrative Services

Personal Service \$138,674

Equipment Purchase and Repair 6,000

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Operation	52,487
From General Revenue (Not to exceed 15 F.T.E.)	\$197,161
Section 4.435. To the Department of Agriculture	
For the Division of Agricultural Development - Marketing	
Personal Service	\$292,030
Equipment Purchase and Repair	15,300
Operation	163,137
From General Revenue	\$470,467
Personal Service	11,369
Operation	11,117
From Federal Funds	\$22,486
Total (Not to exceed 25 F.T.E.)	\$492,953
Section 4.440. To the Department of Agriculture	
For the Division of Audits and Compliance	
Personal Service	\$259,074
Equipment Purchase and Repair	20,000
Operation	79,643
From General Revenue	\$358,717
Personal Service	
From the Commodity Fund	\$8,657
Total (Not to exceed 26 F.T.E.)	\$367,374
Section 4.445. To the Department of Agriculture	
For the Division of Animal Health	
Personal Service	\$703,288
Equipment Purchase and Repair	25,600
Operation	528,552
From General Revenue	\$1,257,440
Personal Service	
From Federal Funds	\$57,837
Total (Not to exceed 78.5 F.T.E.)	\$1,315,277
Section 4.450. To the Department of Agriculture	
For Grain Inspection and Weighing	
Personal Service	1,553,769
Equipment Purchase and Repair	20,000
Operation	514,443
From General Revenue (Not to exceed 122 F.T.E.)	\$2,088,212
Section 4.455. To the Department of Agriculture	
For Plant Industries	
Personal Service	\$650,585
Equipment Purchase and Repair	30,000
Operation	173,894
From General Revenue	\$854,479
Personal Service	45,797
Equipment Purchase and Repair	30,850
Operation	40,394
From Federal Funds	\$117,041
Total (Not to exceed 62.5 F.T.E.)	\$971,520

Section 4.460. To the Department of Agriculture
For the Division of Weights and Measures

Personal Service	\$325,630
Equipment Purchase and Repair	90,000
Operation	144,537
From General Revenue	\$560,167
Personal Service	52,090
Operation	17,952
From State Highway Department Fund	\$70,042
Total (Not to exceed 37 F.T.E.)	\$630,209

Section 4.465. To the Department of Agriculture

For refunds of erroneous receipts due to errors in application for license
or brand registration

From General Revenue	\$2,500
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Section 4.470. To the Department of Agriculture

For Apple Merchandising

From Apple Merchandising Fund	\$16,020
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Section 4.475. To the Department of Agriculture

For refunds to individuals and reimbursements to commodity councils

From Commodity Council Merchandising Fund	\$220,000
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Section 4.476. To the Department of Agriculture

For indemnity payments

From General Revenue	\$300,000
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Section 4.485. To the Department of Agriculture

For the Division of Agricultural Development - Agriculture
Emergency Fund

Personal Service	\$77,865
Equipment Purchase and Repair	5,512
Operation	22,148

From Agriculture Emergency Fund (Not to exceed 7 F.T.E.)	\$105,525
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Section 4.490. To the Department of Agriculture

For the Missouri State Fair

Personal Service	\$89,578
Equipment Purchase and Repair	30,000
Operation	195,983

From General Revenue	\$315,561
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Personal Service	170,004
Equipment Purchase and Repair	7,430
Operation	842,566

From State Fair Fees Fund	\$1,020,000
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Total (Not to exceed 41.34 F.T.E.)	\$1,335,561
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Section 4.495. To the Department of Agriculture

For cash to start the Missouri State Fair

From State Fair Fees Fund	\$30,000
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Section 4.500. To the Department of Agriculture

For the Division of Fairs - Aid to Fairs

Personal Service	\$22,002
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Equipment Purchase and Repair	1,000
Operation	8,202
From General Revenue (Not to exceed 1.91 F.T.E.)	\$31,204
Section 4.505. To the Department of Agriculture	
For Aid to Fairs	
From General Revenue	\$224,400
Section 4.510. To the Department of Agriculture	
For building grants to local fairs	
From General Revenue	\$52,700
Section 4.515. To the Department of Agriculture	
For the State Milk Board	
Personal Service	\$27,039
Equipment Purchase and Repair	1,040
Operation	15,079
From State Milk Inspection Fees Fund (Not to exceed 2 F.T.E.)	\$43,158
Section 4.520. To the Department of Agriculture	
For the State Milk Board	
For contracting with local health agencies for inspection of milk	
From State Milk Inspection Fees Fund	\$1,040,000
Section 4.530. To the Department of Conservation	
For Personal Service, Equipment Purchase and Repair, and Operation, including refunds	
From the Conservation Commission Fund	\$25,742,161
Section 5.540. To the Department of Conservation	
For payments to counties in lieu of taxes on lands classified as forest croplands	
From General Revenue	\$223,839
Section 4.550. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Departmental Administrative Services	
Personal Service	\$258,443
Equipment Purchase and Repair	7,500
Operation	62,974
From General Revenue (Not to exceed 17 F.T.E.)	\$328,917
Section 4.555. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Administrative Hearing Commission	
Personal Service	\$27,959
Equipment Purchase and Repair	850
Operation	18,899
From General Revenue (Not to exceed 2 F.T.E.)	\$47,708
Section 4.560. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Division of Credit Unions - Credit Unions	
Personal Service	\$170,901
Equipment Purchase and Repair	1,000
Operation	75,887

From General Revenue (Not to exceed 13 F.T.E.)	\$247,788
Section 4.565. To the Department of Consumer Affairs, Regulation and Licensing	
For the Division of Finance - Supervision and Enforcement	
Personal Service	\$231,498
Equipment Purchase and Repair	1,000
Operation	91,330
From General Revenue (Not to exceed 17 F.T.E.)	\$323,828
Section 4.570. To the Department of Consumer Affairs, Regulation and Licensing	
For the Division of Finance - Examinations	
Personal Service	\$1,116,205
Equipment Purchase and Repair	1,825
Operation	384,266
From General Revenue (Not to exceed 85 F.T.E.)	\$1,502,296
Section 4.575. To the Department of Consumer Affairs, Regulation and Licensing	
For Missouri Commission on Human Rights - Administration/Compliance	
Personal Service	\$407,677
Equipment Purchase and Repair	1,839
Operation	107,869
From General Revenue	\$517,385
Personal Service	28,000
Equipment Purchase and Repair	2,000
Operation	5,000
From Federal Funds	\$35,000
Total (Not to exceed 41 F.T.E.)	\$552,385
Section 4.580. To the Department of Consumer Affairs, Regulation and Licensing	
For the Division of Insurance - Office of Director - Chief Clerk/ Fiscal Staff/Licensing	
Personal Service	\$277,536
Equipment Purchase and Repair	11,500
Operation	349,201
From General Revenue (Not to exceed 29.75 F.T.E.)	\$638,237
Section 4.585. To the Department of Consumer Affairs, Regulation and Licensing	
For Division of Insurance - Legal/Financial Examination	
Personal Service	\$273,160
Equipment Purchase and Repair	3,195
Operation	55,052
From General Revenue (Not to exceed 21.5 F.T.E.)	\$331,407
Section 4.590. To the Department of Consumer Affairs, Regulation and Licensing	
For Division of Insurance - Market Conduct/Consumer Services/ Policy Services	
Personal Service	\$329,439

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Equipment Purchase and Repair	5,608
Operation	28,776
From General Revenue (Not to exceed 28.5 F.T.E.)	\$363,823
Section 4.595. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Division of Insurance - Eastern and Western Region Consumer Services	
Personal Service	\$115,152
Equipment Purchase and Repair	2,000
Operation	15,250
From General Revenue (Not to exceed 10 F.T.E.)	\$132,402
Section 4.600. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Office of the Public Counsel	
Personal Service	\$127,864
Equipment Purchase and Repair	4,383
Operation	78,478
From General Revenue (Not to exceed 8 F.T.E.)	\$210,725
Section 4.605. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Public Service Commission - Executive	
Personal Service	\$162,558
Equipment Purchase and Repair	2,770
Operation	27,729
From Public Service Commission Fund	\$193,057
Personal Service	149,392
Operation	3,647
From State Highway Department Fund	\$153,039
Total (Not to exceed 17 F.T.E.)	\$346,096
Section 4.610. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Public Service Commission	
For Administrative Division/Secretary	
Personal Service	\$234,057
Equipment Purchase and Repair	26,400
Operation	93,533
From Public Service Commission Fund	\$353,990
Personal Service	312,964
Equipment Purchase and Repair	4,170
Operation	76,139
From State Highway Department Fund	\$393,273
Total (Not to exceed 45.66 F.T.E.)	\$747,263
Section 4.615. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Public Service Commission	
For Commission Counsel	
Personal Service	\$122,089
Equipment Purchase and Repair	1,000

Operation	11,365
From Public Service Commission Fund	\$134,454
Personal Service	69,989
Operation	646
From State Highway Department Fund	\$70,635
Total (Not to exceed 12 F.T.E.)	\$205,089
Section 4.620. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Public Service Commission	
For Utility Research and Planning Division	
Personal Service	\$141,540
Equipment Purchase and Repair	2,197
Operation	9,032
From Public Service Commission Fund (Not to exceed 10 F.T.E.)	\$152,769
Section 4.625. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Public Service Commission	
For Utility Rates Division	
Personal Service	\$701,371
Equipment Purchase and Repair	2,197
Operation	383,373
From Public Service Commission Fund (Not to exceed 45 F.T.E.)	\$1,086,941
Section 4.630. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Public Service Commission	
For Utilities Services Division	
Personal Service	\$603,179
Equipment Purchase and Repair	2,197
Operation	113,327
From Public Service Commission Fund (Not to exceed 39 F.T.E.)	\$718,703
Section 4.635. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Public Service Commission	
For Transportation Division	
Personal Service	
From Public Service Commission Fund	\$22,163
Personal Service	541,233
Equipment Purchase and Repair	2,932
Operation	145,111
From State Highway Department Fund	\$689,276
Total (Not to exceed 40 F.T.E.)	\$711,439
Section 4.640. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Public Service Commission	
For Mobile Homes	

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Personal Service	\$104,586
Equipment Purchase and Repair	1,000
Operation	35,643
From General Revenue (Not to exceed 8.5 F.T.E.)	\$141,229
Section 4.645. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Division of Savings and Loan Supervision	
Personal Service	\$165,376
Equipment Purchase and Repair	1,000
Operation	70,082
From General Revenue (Not to exceed 10.25 F.T.E.)	\$236,458
Section 4.650. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Missouri State Council on the Arts	
Personal Service	\$126,412
Equipment Purchase and Repair	3,912
Operation	78,232
From General Revenue	\$208,556
Personal Service	36,636
Operation	8,364
From Federal Funds	\$45,000
Total (Not to exceed 12.62 F.T.E.)	\$253,556
Section 4.655. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Missouri State Council on the Arts	
For participation with local organizations in cultural projects	
From General Revenue	\$2,195,433
For participation with local organizations in cultural projects	
From Federal Funds	494,400
For improvements to the Japanese Gardens to supplement and not to be	
contrued as in lieu of any other applications pending, recommended	
by staff or committee, or approved by the Council	
From General Revenue	
Total	\$2,689,833

I hereby veto a portion of the section by deleting the words "For improvements to the Japanese Gardens to supplement and not to be contrued as in lieu of any other applications pending, recommended by staff or committee, or approved by the Council

From General Revenue \$50,000"

and by vetoing the total by \$50,000 from \$2,739,833 to \$2,689,833 for the reason that this specific appropriation was not requested by the Department of Consumer Affairs, Regulation and Licensing and such an appropriation for a specified project invades the traditional prerogative of the Missouri Arts Council to determine which projects to fund. I cannot approve line item appropriations for specified programs or purposes which deprive the Arts Council of its freedom to judge applications for funding on their merits.

JOSEPH P. TEASDALE, Governor

Section 4.660. To the Department of Consumer Affairs,
Regulation and Licensing
For the Division of Community Development - Administration,
Community Facilities Financing Program, Community Manage-

ment and Community Betterment Field	
Personal Service	\$131,724
Equipment Purchase and Repair	3,474
Operation	77,622
From General Revenue	\$212,820
Personal Service	139,073
Operation	26,145
From Federal Funds	\$165,218
Total (Not to exceed 19.5 F.T.E.)	\$378,038
Section 4.665. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Division of Community Development	
For Missouri Community Betterment	
Personal Service	\$42,284
Equipment Purchase and Repair	1,000
Operation	18,340
From General Revenue (Not to exceed 3 F.T.E.)	\$61,624
Section 4.670. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Community Development	
For operations of Housing and Community	
Development Block Grant	
Personal Service	\$54,375
Equipment Purchase and Repair	2,512
Operation	40,350
From Federal Funds (Not to exceed 4 F.T.E.)	\$97,237
Section 4.675. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Commerce and Industrial Development Administration -	
Marketing, Research and Communication	
Personal Service	\$383,990
Equipment Purchase and Repair	7,800
Operation	304,351
From General Revenue (Not to exceed 27.5 F.T.E.)	\$696,141
Section 4.680. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Commerce and Industrial Development	
For International Business Development	
Personal Service	\$30,000
Operation	120,000
From General Revenue (Not to exceed 2 F.T.E.)	\$150,000
Section 4.685. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Commerce and Industrial Development	
For Community Education	
Personal Service	\$28,078
Equipment Purchase and Repair	100
Operation	25,675
From Federal Funds (Not to exceed 2 F.T.E.)	\$53,853

Section 4.690. To the Department of Consumer Affairs,

Regulation and Licensing

For Missouri Housing Development Commission

For increasing supply of housing for low and moderate income persons and families

Personal Service \$324,509

Operation 37,177

From General Revenue \$361,686

Equipment Purchase and Repair 2,785

Operation 141,126

From Missouri Housing Development Commission Fund \$143,911

Total (Not to exceed 21 F.T.E.) \$505,597

Section 4.695. To the Department of Consumer Affairs,

Regulation and Licensing

For State Environmental Improvement Authority

Personal Service

From General Revenue \$10,530

Personal Service 6,500

Equipment Purchase and Repair 845

Operation 69,286

From State Environmental Improvement Authority Fund \$76,631

Total (Not to exceed 1 F.T.E.) \$87,161

Section 4.700. To the Department of Consumer Affairs,

Regulation and Licensing

For the Division of Tourism - Administration

Personal Service \$86,005

Equipment Purchase and Repair 1,000

Operation 547,711

From General Revenue \$634,716

From Federal Funds \$20,000

Total (Not to exceed 6 F.T.E.) \$654,716

I hereby veto said section to the extent of \$143,450 from \$691,161 to \$547,711 in operation, \$778,166 to \$634,716 in general revenue and \$798,166 to \$654,716 in total, for the reason that my original recommendation is already sufficient to allow the Division to effectively promote the tourism industry in Missouri.

JOSEPH P. TEASDALE, Governor

Section 4.705. To the Department of Consumer Affairs,

Regulation and Licensing

For Division of Tourism - Promotion and Marketing

Personal Service \$106,391

Equipment Purchase and Repair 3,000

Operation 238,989

From General Revenue (Not to exceed 10.25 F.T.E.) \$348,380

Section 4.710. To the Department of Consumer Affairs,

Regulation and Licensing

For Division of Tourism Information Centers

Personal Service \$106,490

Equipment Purchase and Repair 1,000

Operation	25,696
From General Revenue (Not to exceed 14 F.T.E.)	\$133,186
Section 4.715. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Office of Minority Business Enterprises	
Personal Service	\$22,200
Equipment Purchase and Repair	2,309
Operation	10,491
From General Revenue	\$35,000
Personal Service	49,500
Equipment Purchase and Repair	5,561
Operation	19,939
From Federal Funds	\$75,000
Total (Not to exceed 6 F.T.E.)	\$110,000
Section 4.720. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Division of Professional Registration	
Administration	
Personal Service	\$83,892
Equipment Purchase and Repair	5,400
Operation	61,166
From General Revenue (Not to exceed 7.5 F.T.E.)	\$150,458
Section 4.725. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Accountancy	
Personal Service	\$31,598
Equipment Purchase and Repair	945
Operation	46,691
From State Board of Accountancy Fund (Not to exceed 3 F.T.E.)	\$79,234
Section 4.730. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Missouri Board of Registration for Architects	
Engineers and Land Surveyors	
Personal Service	\$79,577
Equipment Purchase and Repair	6,125
Operation	94,030
From General Revenue (Not to exceed 6.3 F.T.E.)	\$179,732
Section 4.735. To the Department of Consumer Affairs,	
Regulation and Licensing	
Division of Professional Registration	
For the Division of Athletics	
Personal Service	\$21,208
Equipment Purchase and Repair	550
Operation	6,955
From General Revenue (Not to exceed 1.2 F.T.E.)	\$28,713

Section 4.740. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Barbers Examiners	
Personal Service	\$47,637
Equipment Purchase and Repair	300
Operation	14,580
From State Board of Barbers Examiners Fund (Not to exceed 2 F.T.E.)	\$62,517
Section 4.745. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Chiropractic Examiners	
Personal Service	\$10,112
Equipment Purchase and Repair	875
Operation	6,225
From the State Board of Chiropractic Examiners Fund (Not to exceed .85 F.T.E.)	\$17,212
Section 4.750. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Cosmetology	
Personal Service	\$161,915
Equipment Purchase and Repair	1,244
Operation	84,746
From the State Board of Cosmetology Fund (Not to exceed 19.5 F.T.E.)	\$247,905
Section 4.755. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Missouri Dental Board	
Personal Service	\$49,544
Equipment Purchase and Repair	525
Operation	25,226
From General Revenue (Not to exceed 3.2 F.T.E.)	\$75,295
Section 4.760. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Embalmers and Funeral Directors	
Personal Service	\$16,646
Equipment Purchase and Repair	500
Operation	21,342
From the State Board of Embalmers and Funeral Directors Fund (Not to exceed 1.25 F.T.E.)	\$38,488
Section 4.765. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Registration for the Healing Arts	
Personal Service	\$129,516
Equipment Purchase and Repair	1,575
Operation	126,623
From the Board of Registration for the Healing Arts Fund (Not to exceed 11.5 F.T.E.)	\$257,714
For Professional Speech Pathologists and Clinical Audiologists	

Personal Service	12,808
Equipment Purchase and Repair.....	250
Operation	5,290
From General Revenue (Not to exceed 1.5 F.T.E.)	\$18,348
Total	\$276,062
Section 4.770. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Council for Hearing Aid Dealers and Fitters	
Personal Service	\$12,047
Equipment Purchase and Repair.....	675
Operation	8,840
From General Revenue (Not to exceed 1.15 F.T.E.)	\$21,562
Section 4.775. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Nursing	
Personal Service	\$114,256
Equipment Purchase and Repair.....	1,500
Operation	99,402
From the State Board of Nursing Fund (Not to exceed 11 F.T.E.)	\$215,158
Section 4.780. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Optometry	
Personal Service	\$4,246
Equipment Purchase and Repair.....	200
Operation	6,520
From Board of Optometry Fund (Not to exceed 0.2 F.T.E.)	\$10,966
Section 4.785. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Pharmacy	
Personal Service	\$69,290
Equipment Purchase and Repair.....	10,250
Operation	45,337
From State Board of Pharmacy Fund (Not to exceed 5 F.T.E.)	\$124,877
Section 4.790. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the State Board of Podiatry	
Personal Service	\$997
Equipment Purchase and Repair.....	50
Operation	1,438
From the State Board of Podiatry Fund (Not to exceed 0.1 F.T.E.)	\$2,485
Section 4.795. To the Department of Consumer Affairs,	
Regulation and Licensing	
For the Missouri Real Estate Commission	
Personal Service	\$95,838

APPROPRIATIONS

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Equipment Purchase and Repair	7,150
Operation	201,111
From the Real Estate Commission Fund (Not to exceed 9.5 F.T.E.)	\$304,099
Section 4.800. To the Department of Consumer Affairs, Regulation and Licensing	
For the Missouri Veterinary Medical Board	
Personal Service	\$8,451
Equipment Purchase and Repair	350
Operation	7,259
From the Missouri Veterinary Medical Board Fund (Not to exceed 1 F.T.E.)	\$16,060
Section 4.805. To the Department of Consumer Affairs, Regulation and Licensing	
For the Regulation and Licensing of Employment Agencies	
Personal Service	\$27,955
Equipment Purchase and Repair	500
Operation	14,720
From General Revenue (Not to exceed 2.5 F.T.E.)	\$43,175
Section 4.810. To the Department of Consumer Affairs, Regulation and Licensing	
For the Public Service Commission	
For refunds to motor carriers	
From State Highway Department Fund	\$15,000
Section 4.815. To the Department of Consumer Affairs, Regulation and Licensing	
For the Public Service Commission	
For the purpose of protecting the public against hazards existing at railroad crossings pursuant to Public Service Commission action under Chapter 152, RSMo 1972	
From the Grade Crossing Fund	\$250,000
Section 4.820. To the Department of Consumer Affairs, Regulation and Licensing	
For the Ozark Regional Commission - Technical Assistance and Public Works	
Grants for Economic Development	5,000,000
For Community Service and Continuing Education	655,347
For Intergovernmental Personnel Act, U.S. Civil Service Commission	739,981
For Housing and Community Development Block Grant	10,500,000
From Federal Funds	\$16,895,328
Section 4.825. There is transferred out of the State Treasury, chargeable to Federal Funds, Nine Thousand, Four Hundred Dollars (9,400) to the General Revenue Fund.	
From Federal Funds	\$9,400
Section 4.828. To the Department of Consumer Affairs, Regulation and Licensing	
For reimbursement to the federal government of the unexpended	

portion of monies received for promotion of the American Revolution Bicentennial.	
From Federal Funds	\$35,353.95
Section 4.829. To the Department of Consumer Affairs,	
Regulation and Licensing	
For Departmental Administrative Services	
For Data Processing Expenses	
Personal Service	\$31,000
Operation	31,000
From General Revenue	\$62,000
Operation	
From Board of Accountancy Fund	\$1,000
From Board of Chiropractors Fund	\$500
From Board of Cosmetology Fund	\$5,000
From Embalmers and Funeral Directors Fund	\$1,000
From Board of Registration for the Healing Arts Fund	\$2,000
From Board of Nursing Fund	\$7,000
From Board of Pharmacy Fund	\$3,000
From Real Estate Commission Fund	\$7,000
From Missouri Veterinary Medical Board Fund	\$500
Total Operation	\$27,000
Total (Not to exceed 2 F.T.E.)	\$89,000
Section 4.830. To the Department of Highways	
For the State Highway Commission - Administration	
Personal Service	\$17,071,592
Equipment Purchase and Repair	26,587
Operation	3,088,006
From State Highway Department Fund (Not to exceed 704 F.T.E.)	\$20,186,185

Section 4.835. To the Department of Highways

To pay the costs of reimbursing the counties and other political subdivisions for the acquisitions of roads and bridges taken over by the state as permanent parts of the system of state highways and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, improving, repairing and maintaining those highways, bridges, tunnels, parkways, travelways, tourways and coordinated facilities authorized under Article IV, Section 30 of the Constitution; of acquiring materials, equipment and buildings necessary for such purposes and for other purposes and contingencies relating to the location, construction and maintenance of highways and bridges

From State Road Fund	\$300,000,000
For all apportionments, grants and other funds which may be received from the United States Government under Title 23 of the United States Code, and amendments thereto for the purpose of planning and design, surveys, acquisitions of rights-of-way, construction and maintenance by the State Highway Commission	
From Federal Funds	\$200,000,000 E
Total	500,000,000

Section 4.840. To the State Highway Commission

For State Highway Department - Mississippi River Parkway
Commission

From State Road Fund \$5,000

Section 4.845. To the Department of Labor and Industrial Relations

For Department Administrative Services

Personal Service \$71,618

Equipment Purchase and Repair 3,800

Operation 12,711

From General Revenue \$88,129

Personal Service 75,493

Operation 19,920

From Federal Funds \$95,413

Personal Service 62,606

Equipment Purchase and Repair 1,200

Operation 13,732

From Workmen's Compensation Fund \$77,538

Total (Not to exceed 12 F.T.E.) \$261,080

Section 4.850. To the Department of Labor and Industrial Relations

For the Division of Employment Security

Personal Service \$29,050,886

Equipment Purchase and Repair 1,716,247

Operation 31,635,292

From Unemployment Compensation

Administration Fund \$62,402,425

Personal Service 273,247

Equipment Purchase and Repair 1,215

Operation 125,538

From Unemployment Compensation Administration Fund (Work

Incentive Program) \$400,000

Total (Not to exceed 2,714 F.T.E.) \$62,802,425

Section 4.855. To the Department of Labor and Industrial Relations

For the Division of Employment Security

For the Administration of the Missouri Employment Security Law and
for the refund of interest collected on contributions found to be
erroneously collected and paid into the Special Employment
Security Fund and for the purchase of buildings, land and the
erection of buildings

From Special Employment Securities Fund \$1,004,000

Section 4.860. To the Department of Labor and Industrial Relations

For the Division of Employment Security

All funds credited to the account of the State of Missouri in the Federal
Unemployment Trust Fund pursuant to the provisions of Section
903 of the Social Security Act, as amended, for the purchase of lands
and buildings and for the construction of office buildings for the use
of the Division, together with the installation of utilities and the
paving of parking areas; provided, that the amount which may be
obligated during the twelve month period beginning July 1, 1977
and ending June 30, 1978 shall not exceed the amount by which the
aggregate of the amounts credited to the state's account in the

Federal Unemployment Trust Fund under Section 903 of the Social Security Act during such period and the twenty-four preceding twelve month periods exceeds the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the state's account during such twenty-five twelve month periods, provided, further, that no amount appropriated hereby shall be requisitioned from this state's account in the Federal Unemployment Trust Fund or obligated until after the date on which this act becomes law, or July 1, 1977, whichever is later

From Unemployment Compensation Administration Fund \$2,300,000

**Section 4.865. To the Department of Labor and Industrial Relations
For the State Board of Mediation**

Personal Service	\$18,885
Equipment Purchase and Repair	4,300
Operation	9,695

From General Revenue (Not to exceed 2 F.T.E.) \$32,880

**Section 4.870. To the Department of Labor and Industrial Relations
For the Division of Labor Standards**

Personal Service	\$340,708
Equipment Purchase and Repair	4,130
Operation	101,972

From General Revenue (Not to exceed 27 F.T.E.) \$446,810

**Section 4.875. To the Department of Labor and Industrial Relations
For Workmen's Compensation**

Personal Service	\$32,120
Operation	37,702

From Federal Funds \$69,822

Personal Service	1,533,827
Equipment Purchase and Repair	12,434
Operation	234,777

From Workmen's Compensation Fund \$1,781,038

Total (Not to exceed 114 F.T.E.) \$1,850,860

**Section 4.880. To the Department of Labor and Industrial Relations
For the payment of special claims**

From Second Injury Fund \$650,000

**Section 4.885. To the Department of Natural Resources
For the Division of Departmental Administration -**

Office of Director	
Personal Service	\$57,540
Operation	25,450

From General Revenue (Not to exceed 3 F.T.E.) \$82,990

**Section 4.890. To the Department of Natural Resources
For the Division of Departmental Administration -**

Administrative Services	
Personal Service	\$276,959
Equipment Purchase and Repair	6,000

APPROPRIATIONS

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Operation	56,212
From General Revenue	\$339,171
Personal Service	14,934
Equipment Purchase and Repair	1,000
Operation	28,667
From Federal Funds	\$44,601
Total (Not to exceed 27.1 F.T.E.)	\$383,772
Section 4.895. To the Department of Natural Resources	
For the Division of Planning and Policy Development	
Personal Service	\$214,431
Equipment Purchase and Repair	2,700
Operation	31,874
From General Revenue	\$249,005
Personal Service	272,784
Operation	190,900
From Federal Funds	\$463,684
Total (Not to exceed 38 F.T.E.)	\$712,689
Section 4.900. To the Department of Natural Resources	
For the Division of Environmental Quality -	
Administration and General Support	
Equipment Purchase and Repair	
From General Revenue	\$1,060
Personal Service	48,682
Operation	7,579
From Federal Funds	\$56,261
Total (Not to exceed 3 F.T.E.)	\$57,321
Section 4.905. To the Department of Natural Resources	
For the Division of Environmental Quality - Water Quality	
Personal Service	\$202,417
Operation	68,046
From General Revenue	\$270,463
Personal Service	208,791
Operation	23,920
From Federal Funds	\$232,711
Personal Service	51,908
Equipment Purchase and Repair	4,173
Operation	9,000
From the Clean Water Fund	\$65,081
Total (Not to exceed 37 F.T.E.)	\$568,255
Section 4.910. To the Department of Natural Resources	
For the Division of Environmental Quality - Air Quality	
Personal Service	\$99,504
Equipment Purchase and Repair	6,000
Operation	40,581
From General Revenue	\$146,085
Personal Service	133,618

Equipment Purchase and Repair	4,844
Operation	46,009
From Federal Funds	\$184,471
Total (Not to exceed 17 F.T.E.)	\$330,556
Section 4.915. To the Department of Natural Resources	
For the Division of Environmental Quality - Public Water Supply	
Personal Service	\$153,921
Equipment Purchase and Repair	5,000
Operation	32,930
From General Revenue (Not to exceed 12 F.T.E.)	\$191,851
Section 4.920. To the Department of Natural Resources	
For the Division of Environmental Quality - Solid Waste	
Management Program	
Personal Service	\$68,505
Equipment Purchase and Repair	1,065
Operation	16,550
From General Revenue	\$86,120
Personal Service	69,993
Operation	7,531
From Federal Funds	\$77,524
Total (Not to exceed 10 F.T.E.)	\$163,644
Section 4.925. To the Department of Natural Resources	
For the Division of Environmental Quality - Laboratory Services	
Personal Service	\$69,251
Equipment Purchase and Repair	10,000
Operation	21,346
From General Revenue	\$100,597
Personal Service	105,712
Operation	26,345
From Federal Funds	\$132,057
Total (Not to exceed 16 F.T.E.)	\$232,654
Section 4.930. To the Department of Natural Resources	
For the Division of Environmental Quality - Regional Office Program	
Personal Service	\$455,022
Equipment Purchase and Repair	10,000
Operation	176,633
From General Revenue	\$641,655
Personal Service	523,787
Operation	95,187
From Federal Funds	\$618,974
Total (Not to exceed 75 F.T.E.)	\$1,260,629
Section 4.935. To the Department of Natural Resources	
For the Division of Environmental Quality - Land Reclamation	
Personal Service	\$55,896
Equipment Purchase and Repair	1,115
Operation	18,886
From Land Reclamation Commission Fund (Not to exceed	
4 F.T.E.)	\$75,897

Section 4.940. To the Department of Natural Resources

For the Division of Environmental Quality - Soil and Water

Conservation	
Personal Service	\$129,044
Equipment Purchase and Repair	1,000
Operation	741,839
From General Revenue	\$871,883
(At least \$300,000 in Operations from General Revenue must be allocated to the Watershed Planning Program)	
Equipment Purchase and Repair	
From Revenue Sharing Trust Fund	\$7,080
Total (Not to exceed 10 F.T.E., of which 6 shall be engaged solely in the soil survey program)	\$878,963

Section 4.945. To the Department of Natural Resources

For the Division of Geology and Land Survey - Administration and

General Support	
Personal Service	\$214,472
Equipment Purchase and Repair	8,000
Operation	132,923
From General Revenue	\$355,395
Equipment Purchase and Repair	4,600
Operation	25,000
From Revenue Sharing Trust Fund	\$29,600
Total (Not to exceed 21 F.T.E.)	\$384,995

Section 4.950. To the Department of Natural Resources

For the Division of Geology and Land Survey - Geological Survey

Personal Service	\$432,690
Equipment Purchase and Repair	46,000
Operation	133,238
From General Revenue (Not to exceed 32.25 F.T.E.)	\$611,928

Section 4.951. To the Department of Natural Resources

For the Division of Geology and Land Survey - Land Survey

Personal Service	\$162,524
Equipment Purchase and Repair	5,000
Operation	94,591
From General Revenue (Not to exceed 14 F.T.E.)	\$262,115

Section 4.952. To the Department of Natural Resources

For the Division of Parks and Recreation - Administration and General Support

Personal Service	\$387,920
Equipment Purchase and Repair	5,000
Operation	105,213
From General Revenue (Not to exceed 30.75 F.T.E.)	\$498,133

Section 4.953. To the Department of Natural Resources

For the Division of Parks and Recreation - Parks and Historic Sites

Personal Service	\$2,735,569
Equipment Purchase and Repair	556,225

Operation	946,384
From General Revenue	\$4,238,178
Personal Service	39,040
Equipment Purchase and Repair	2,500
Operation	15,560
From Federal Funds	\$57,100
Total (Not to exceed 357.91 F.T.E.)	\$4,295,278
Section 4.954. To the Department of Natural Resources	
For the Division of Parks and Recreation - Babler State Park	
Personal Service	\$13,289
Equipment Purchase and Repair	16,376
Operation	56,144
From General Revenue	\$85,809
Personal Service	25,000
Operation	16,150
From Federal Funds	\$41,150
Personal Service	75,923
Equipment Purchase and Repair	4,739
Operation	33,676
From Babler Trust Fund	\$114,338
Total (Not to exceed 16.25 F.T.E.)	\$241,297
Section 4.955. To the Department of Natural Resources	
For the Division of Planning and Policy Development	
For grants-in-aid from the Land and Water Conservation Fund to state agencies and political subdivisions for outdoor recreation projects	
	\$7,000,000
For Restoration of Historic Sites	1,000,000
From Federal Funds	\$8,000,000
Section 4.956. To the Department of Natural Resources	
For Division of Planning and Policy Development	
For participation by the State of Missouri in the Upper Mississippi River Basin Commission	
From General Revenue	\$30,000
Section 4.957. To the Department of Natural Resources	
For Division of Planning and Policy Development	
For participation by the State of Missouri in the Missouri River Basin Commission	
From General Revenue	\$23,520
Section 4.958. To the Department of Natural Resources	
For Division of Planning and Policy Development	
For participation by the State of Missouri in the Arkansas-White-Red River Basin Inter-Agency Committee	
From General Revenue	\$4,000
Section 4.959. To the Department of Natural Resources	
For Division of Planning and Policy Development	
For participation by the State of Missouri in the Arkansas River Basin Inter-State Committee	
From General Revenue	\$3,000

Section 4.960. To the Department of Natural Resources

For Division of Environmental Quality

For Grants to Counties, Cities, Towns, and Villages and legally
organized water districts for sewer construction and water supply
systems

From General Revenue	\$2,500,000
From Anti-recession Fiscal Assistance Fund	\$1,000,000
Total	<u>\$3,500,000</u>

Section 4.961. To the Department of Natural Resources

Energy Policy and Conservation Act	\$1,000,000
Energy Conservation and Production Act	5,000,000
National Energy Extension Act	500,000
Natural Resource Planning Grant Projects	500,000
Water Quality Management Planning	2,905,362
Federal Water Pollution Control Act Projects - Administration and Certification	2,000,000
Local Air Pollution Control Agencies	689,583
Clean Air Act Amendments	5,675,000
Solid Waste Management Plan	837,333
Reclamation of Abandoned Mined Lands	1,000,000
Development of Natural Resources Data Information System	30,000
Cooperative Control Extension and Corner and Records Restoration	46,900
Economic Development Assistance	350,000
Geological Investigations	595,000
Lake Restoration Demonstration Grant Projects	2,000,000
Young Adult Conservation Corps	<u>1,000,000</u>

From Federal Funds\$24,129,178

Section 4.962. To the Department of Natural Resources

For Division of Parks and Recreation

For Special Programs

From General Revenue	\$3,750
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**Section 4.963. There is transferred out of the State Treasury,
chargeable to the State Park Fund, Forty Thousand Dollars
(\$40,000) to the State Park Board Revolving Fund**

From State Park Fund	\$40,000
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Section 4.964. To the Department of Natural Resources

For Division of Parks and Recreation

For all expenses incurred in the operation of State Park concessions
projects or facilities when such operations are assumed by the
Department of Natural Resources

From the State Park Revolving Fund	\$40,000
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Section 4.965. To the Department of Public Safety

For the Office of Director

Personal Service	\$16,410
Operation	<u>920</u>

From General Revenue	\$17,330
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Operation

From Federal Funds	\$47,330
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Personal Service	86,145
Equipment Purchase and Repair	1,343
Operation	9,443
From State Highway Department Fund	<u>\$96,931</u>
Total (Not to exceed 6.5 F.T.E.)	\$161,591

Section 4.966. To the Department of Public Safety**For the State Highway Patrol - Administration and General**

Support	
Operation	
From Federal Funds	\$56,915
Personal Service	1,280,476
Equipment Purchase and Repair	26,240
Operation	<u>137,117</u>
From State Highway Department Fund	<u>\$1,443,833</u>
Total (Not to exceed 84 F.T.E.)	\$1,500,748

Section 4.967. To the Department of Public Safety**For the State Highway Patrol - Enforcement**

Personal Service	\$408,261
Operation	<u>61,625</u>
From General Revenue	\$469,886
Personal Service	198,749
Equipment Purchase and Repair	1,230,675
Operation	<u>210,605</u>
From Federal Funds	\$1,640,029
Personal Service	<u>\$18,482,100</u>
Equipment Purchase and Repair	2,050,000
Operation	<u>3,543,812</u>
From State Highway Department Fund	<u>\$24,075,912</u>
Total (Not to exceed 1,232 F.T.E.)	\$26,185,827

Section 4.968. To the Department of Public Safety**For the State Highway Patrol -**

Law Enforcement Academy	
Personal Service	\$217,632
Equipment Purchase and Repair	6,360
Operation	<u>\$5,430</u>
From General Revenue	<u>\$309,422</u>
Operation	
From Federal Funds	\$176,018
Personal Service	192,994
Equipment Purchase and Repair	5,640
Operation	<u>75,759</u>
From State Highway Department Fund	<u>\$274,393</u>
Total (Not to exceed 32 F.T.E.)	\$759,833

Section 4.969. To the Department of Public Safety**For the State Highway Patrol - Vehicle and Driver Safety**

Personal Service	\$13,318
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Equipment Purchase and Repair	24,237
Operation	37,594
From Federal Funds	\$75,149
Personal Service	3,191,293
Equipment Purchase and Repair	46,775
Operation	493,425
From State Highway Department Fund	\$3,731,493
Total (Not to exceed 260 F.T.E.)	\$3,806,642
Section 4.970. To the Department of Public Safety	
For the State Highway Patrol - Data Processing and Information Systems	
Personal Service	\$512,290
Equipment Purchase and Repair	152,825
Operation	235,751
From Federal Funds	\$900,866
Personal Service	916,154
Equipment Purchase and Repair	9,677
Operation	1,236,295
From the State Highway Department Fund	\$2,162,126
Total (Not to exceed 102.5 F.T.E.)	\$3,062,992
Section 4.971. To the Department of Public Safety	
For the State Highway Patrol for the purpose of refunding unused motor vehicle inspection stickers	
From State Highway Department Fund	\$20,000
Section 4.972. To the Department of Public Safety	
For the State Highway Patrol for distribution to local criminal justice agencies for the purpose of developing and implementing the Offender Based Transaction and Computerized Criminal History System	
From Federal Funds	\$562,234
Section 4.973. To the Department of Public Safety	
For the Division of Water Safety - Water Patrol	
Personal Service	\$572,031
Equipment Purchase and Repair	91,958
Operation	251,240
From General Revenue	\$915,229
Personal Service	20,880
Equipment Purchase and Repair	202,488
Operation	117,725
From Federal Funds	\$341,093
Total (Not to exceed 53 F.T.E.)	\$1,256,322
Section 4.974. To the Department of Public Safety	
For the Division of Liquor Control - Administration	
Personal Service	\$177,624
Equipment Purchase and Repair	125
Operation	46,388
From General Revenue (Not to exceed 20 F.T.E.)	\$224,137

Section 4.975. To the Department of Public Safety	
For the Division of Liquor Control - Audit and Collection	
Personal Service	\$94,280
Equipment Purchase and Repair	1,000
Operation	37,279
From General Revenue (Not to exceed 9 F.T.E.)	\$132,559
Section 4.976. To the Department of Public Safety	
For the Division of Liquor Control - Enforcement	
Personal Service	\$772,724
Equipment Purchase and Repair	560
Operation	282,647
From General Revenue (Not to exceed 60 F.T.E.)	\$1,055,931
Section 4.977. To the Department of Public Safety	
For the Division of Liquor Control	
For refunds on unused liquor and beer licenses and for liquor and beer stamps not used and cancelled	
From General Revenue	\$30,000
Section 4.978. To the Department of Public Safety	
For the State Fire Marshal - Fire Safety and Investigation	
Personal Service	\$191,606
Equipment Purchase and Repair	24,950
Operation	59,754
From General Revenue	\$276,310
Personal Service	15,000
Equipment Purchase and Repair	393
Operation	16,673
From Federal Funds	\$32,066
Total (Not to exceed 18 F.T.E.)	\$308,376
Section 4.979. To the Department of Public Safety	
For the Division of Highway Safety - State and Community Highway Safety - Administration	
Personal Service	\$138,124
Equipment Purchase and Repair	1,500
Operation	80,950
From Federal Funds	\$220,574
Personal Service	96,807
Operation	34,692
From State Highway Department Fund	\$131,499
Total (Not to exceed 16 F.T.E.)	\$352,073
Section 4.980. To the Department of Public Safety	
For the Division of Highway Safety - Safer Roads Demonstration Program - Administration	
Personal Service	\$47,294
Equipment Purchase and Repair	600
Operation	21,214
From General Revenue (Not to exceed 3 F.T.E.)	\$69,108
Section 4.981. To the Department of Public Safety	

For the Division of Highway Safety - State and Community Highway Safety Programs	
From Federal Funds	\$5,000,000
Section 4.982. To the Department of Public Safety	
For the Division of Highway Safety - Safer Roads Demonstration Program	
From Federal Funds	\$4,500,000
Section 4.983. To the Department of Public Safety	
For the Division of Highway Safety - Fatality Accident Records System	
From Federal Funds	\$53,000
Section 4.984. To the Department of Public Safety	
For the Adjutant General - Missouri Military Forces - Officer Candidate School	
Personal Service	\$5,877
Equipment Purchase and Repair	100
Operation	3,903
From General Revenue (Not to exceed 0.8 F.T.E.)	\$9,880
Section 4.985. To the Department of Public Safety	
For the Adjutant General - Disaster Planning and Operation/Administration and Emergency Operations	
Personal Service	\$124,348
Equipment Purchase and Repair	4,000
Operation	30,858
From General Revenue	\$159,206
Personal Service	156,052
Equipment Purchase and Repair	4,000
Operation	30,858
From Federal Funds	\$190,910
Total (Not to exceed 23 F.T.E.)	\$350,116
Section 4.986. To the Department of Public Safety	
For the Adjutant General	
For Disaster Planning and Operation Office	
All allotments, grants and contributions from Federal and Other Sources which may be deposited in the State Treasury for the use of the Disaster Planning and Operations Office	
From Federal and Other Sources	\$4,950,000
To provide matching funds for federal grants received under the individual and Family Grant Program, Public Law 93-288, Section 408	
From General Revenue	\$50,000
Total	\$5,000,000
Section 4.987. To the Department of Public Safety	
For the Missouri Council on Criminal Justice - Improvement of the Missouri Criminal Justice System	
Personal Service	\$46,386
Equipment Purchase and Repair	236
Operation	28,378
From General Revenue	\$75,000

Personal Service	417,476
Equipment Purchase and Repair	2,129
Operation	255,395
From Federal Funds	\$675,000
Total (Not to exceed 31.5 F.T.E.)	\$750,000

Section 4.988. To the Department of Public Safety

For the Missouri Council on Criminal Justice

All allotments, grants and contributions of funds from Federal and
Other Sources including funds received under provisions of the
Omnibus Crime Control and Safe Streets Act

From Federal Funds\$23,000,000

Section 4.989. To the Department of Public Safety

For the Adjutant General - Missouri Military Forces - Administration

Personal Service	\$617,890
Equipment Purchase and Repair	18,000
Operation	122,823

From General Revenue (Not to exceed 69 F.T.E.)\$758,713

Section 4.990. To the Department of Public Safety

For the Adjutant General - Missouri Military Forces - Field Support

Personal Service	\$669,172
Equipment Purchase and Repair	25,200
Operation	524,057

From General Revenue (Not to exceed 108.5 F.T.E.)\$1,218,429

I hereby veto said section to the extent of \$20,376 from \$45,576 to \$25,200 in equipment purchase and repair, and \$26,780 from \$550,837 to \$524,057 in operation and from \$1,265,585 to \$1,218,429 in total, for the reasons that the recruitment program that this would have funded is essentially a federal responsibility and that the state is not having a problem maintaining National Guard troop levels at this time.

JOSEPH P. TEASDALE, Governor

Section 4.990A To the Department of Public Safety

For Missouri Council on Criminal Justice

To provide matching funds for federal grants which support criminal
justice planning capabilities in St. Louis City and St. Louis County.

From General Revenue\$16,500

Section 4.991. To the Department of Transportation

Personal Service	\$118,655
Equipment Purchase and Repair	5,699
Operation	62,634

From General Revenue\$186,988

Personal Service	156,027
Equipment Purchase and Repair	2,217
Operation	254,024

From Federal Funds\$412,268

Personal Service	25,500
Equipment Purchase and Repair	500
Operation	1,300

From Anti-recession Fiscal Assistance Funds\$27,300

Total (Not to exceed 20 F.T.E.)\$626,556

Section 4.992. To the Department of Transportation

For the funding of an operating subsidy for not-for-profit transporters of the elderly and handicapped

From General Revenue \$350,000

Section 4.994. To the Department of Transportation

For the purchase, construction or improvement of airfields by cities or other political subdivisions under the provisions of Section 305.230, RSMo. 1969

From General Revenue \$200,000

Section 4.995. To the Department of Transportation

For the purpose of providing matching funds for Title XX of the Social Security Act to finance not-for-profit transportation of the elderly and handicapped with low incomes

From General Revenue \$100,000

Section 4.996. To the Department of Transportation

For Capital Improvement Grant under Section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended to assist private, non-profit organizations in improving public transportation for State's elderly and handicapped

From Federal and Other Funds \$619,048

Section 4.997. To the Department of Transportation

For Grant under Section 5 of the National Mass Transportation Assistance Act of 1974 for funds for small urbanized areas

From Federal Funds \$3,000,000

Section 4.998. To the Department of Transportation

For Grant from the U.S. Department of Transportation for rail planning, research and primarily rail service preservation projects

From Federal and Other Funds \$2,742,299

Section 4.999. To the Department of Transportation

For Missouri - St. Louis Metropolitan Airport Authority

Personal Service \$63,291

Equipment Purchase and Repair 3,700

Operation 424,029

From General Revenue \$491,020

Operation

From Federal Funds \$130,000Total (Not to exceed 4 F.T.E.) \$621,020

Effective July 1, 1977, the Departments and programs referred to in Sections 4.010, 4.015, 4.020, 4.025, 4.035, 4.040, 4.045, 4.050, 4.055, 4.060, 4.065, 4.070, 4.080, 4.085, 4.090, 4.095, 4.100, 4.105, 4.110, 4.115, 4.120, 4.125, 4.130, 4.135, 4.140, 4.145, 4.150, 4.155, 4.160, 4.165, 4.170, 4.175, 4.180, 4.185, 4.190, 4.195, 4.200, 4.205, 4.210, 4.215, 4.220, 4.225, 4.230, 4.235, 4.240, 4.245, 4.250, 4.255, 4.260, 4.265, 4.270, 4.275, 4.280, 4.285, 4.290, 4.295, 4.300, 4.303, 4.305, 4.310, 4.315, 4.320, 4.325, 4.330, 4.335, 4.340, 4.345, 4.350, 4.355, 4.360, 4.365, 4.370, 4.375, 4.380, 4.385, 4.390, 4.395, 4.400, 4.405, 4.410, 4.415, 4.420, 4.425, 4.430, 4.435, 4.440, 4.445, 4.450, 4.455, 4.460, 4.465, 4.470, 4.475, 4.476, 4.485, 4.490, 4.495, 4.500, 4.505, 4.510, 4.515, 4.520, 4.530, 4.540, 4.550, 4.555, 4.560, 4.565, 4.570, 4.575, 4.580, 4.585, 4.590, 4.595, 4.600, 4.605, 4.610, 4.615, 4.620, 4.625, 4.630, 4.635, 4.640, 4.645, 4.650, 4.655, 4.660, 4.665, 4.670, 4.675, 4.680, 4.685, 4.690, 4.695, 4.700, 4.705, 4.710, 4.715, 4.720, 4.725, 4.730, 4.735, 4.740,

4.745, 4.750, 4.755, 4.760, 4.765, 4.770, 4.775, 4.780, 4.785, 4.790, 4.795, 4.800, 4.805, 4.810, 4.815, 4.820, 4.825, 4.828, 4.829, 4.830, 4.835, 4.840, 4.845, 4.850, 4.855, 4.860, 4.865, 4.870, 4.875, 4.880, 4.885, 4.890, 4.895, 4.900, 4.905, 4.910, 4.915, 4.920, 4.925, 4.930, 4.935, 4.940, 4.945, 4.950, 4.951, 4.952, 4.953, 4.954, 4.955, 4.956, 4.957, 4.958, 4.959, 4.960, 4.961, 4.962, 4.963, 4.964, 4.965, 4.966, 4.967, 4.968, 4.969, 4.970, 4.971, 4.972, 4.973, 4.974, 4.975, 4.976, 4.977, 4.978, 4.979, 4.980, 4.981, 4.982, 4.983, 4.984, 4.985, 4.986, 4.987, 4.988, 4.989, 4.990, 4.990A, 4.991, 4.992, 4.994, 4.995, 4.996, 4.997, 4.998, and 4.999 shall provide the Appropriations Committees of the House of Representatives, Senate, and the Committee on State Fiscal Affairs with the following information on a monthly basis: Expenditures by account number assigned by the Office of Administration, Division of Accounting, in The Chart of Accounts and Index for Fiscal Year 1978 Appropriations; federal fund expenditures by grant and purpose together with the Public Law number authorizing such expenditures and the grant identifier number; notification of termination of any federal grant and disposition of any FTE employed under such grant. In the event state funds are appropriated to match an anticipated federal grant and the grant is not made, such funds may not be used for other purposes. In the event federal funds are terminated during Federal Fiscal Year 1978, state funds appropriated to match such federal funds may not be used for other purposes and the state funds shall lapse.

Approved June 29, 1977.

(C. C. S. H. B. 5)

APPROPRIATIONS: Department of Mental Health.

AN ACT to appropriate money for the payment of salaries, wages and per diem of the officers and employees and other expenses of the Department of Mental Health for the period beginning July 1, 1977 and ending June 30, 1978; provided however that the Department and programs contained herein shall furnish the General Assembly on a monthly basis with the expenditures by account number assigned by the Office of Administration Division of Accounting, in the Chart of Accounts and Index for Fiscal Year 1978 Appropriations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund and for the agency for the purpose designated, for the period beginning July 1, 1977 and ending June 30, 1978, as follows:

Section 5.010. To the Department of Mental Health -	
Office of Director	
For Hospital Support and Services - Administration	
Personal Service	\$1,188,804
Equipment Purchase and Repair	17,480
Operation	248,318
From General Revenue	1,454,602
Personal Service	152,575
Equipment Purchase and Repair	2,370
Operation	131,551
From Federal Funds	286,496
Personal Service	46,123
Equipment Purchase and Repair	1,460
Operation	9,030

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From Federal (Program Improvement) Funds	56,613
Total (Not to exceed 95.4 F.T.E.)	<u>\$1,797,711</u>
Section 5.020. To the Department of Mental Health -	
Office of Director	
For the Administration of a State-Wide Comprehensive Alcoholism Treatment and Drug Abuse Program	
Personal Service	\$219,944
Operation	<u>208,988</u>
From General Revenue	428,932
Personal Service	520,944
Equipment Purchase and Repair	10,715
Operation	<u>150,060</u>
From Federal Funds	681,719
Total (Not to exceed 46 F.T.E.)	<u>\$1,110,651</u>
Section 5.030. To the Department of Mental Health -	
Office of Director	
For the Mental Retardation Residential Facilities Licensure Program	
Personal Service	\$186,144
Equipment Purchase and Repair	1,900
Operation	<u>69,693</u>
From General Revenue (Not to exceed 14 F.T.E.)	<u>\$257,737</u>
Section 5.040. To the Department of Mental Health -	
Office of Director	
For the Computer Center Program	
Personal Service	\$1,047,483
Equipment Purchase and Repair	8,450
Operation	<u>430,226</u>
From General Revenue (Not to exceed 83.51 F.T.E.)	<u>\$1,486,159</u>
Section 5.050. To the Department of Mental Health -	
Office of Director	
For the Patient Placement Program as provided by Section 202.831, RSMo. 1969	
Operation	
From General Revenue	\$10,991,027
From Federal (Program Improvement) Funds	<u>4,353,555</u>
Total	<u>\$15,344,582</u>
Section 5.060. To the Department of Mental Health -	
Office of Director	
For the administration of the Interstate Compact on Mental Health and the return of non-resident patients to their state of legal residence, pursuant to Sections 202.880 to 202.895, RSMo. 1969	
From General Revenue	<u>\$5,000</u>
Section 5.070. To the Department of Mental Health -	
Office of Director	
For the Resident Training Program	
From General Revenue	<u>\$414,012</u>
Section 5.080. To the Department of Mental Health -	
Office of Director	

For Community Mental Health Services
 From General Revenue \$867,880

**Section 5.090. To the Department of Mental Health -
 Office of Director**

For the Purchase of Services under Title XX of the Social Security Act
 From Federal Funds \$5,300,000

**Section 5.100. To the Department of Mental Health -
 Office of Director**

Mental Health Authority 314D 287,000
 Community Mental Health and Mental Retardation
 Construction 300,000
 Developmental Disabilities Formula Grant 1,200,000
 Comprehensive Alcohol Abuse and Alcoholism Treatment and
 Rehabilitation Act 1,286,802
 Drug Abuse Formula and Treatment Grant 1,896,073
 From Federal Funds \$4,969,875

**Section 5.110. To the Department of Mental Health -
 Office of Director**

For receipt and disbursement of donations and gifts which may become
 available to the Department of Mental Health during the year
 (excluding federal grants or funds)
 From Other Sources (excluding federal funds) \$100,000

Section 5.120. To the Department of Mental Health

For Farmington State Hospital
 Personal Service \$7,598,948
 Equipment Purchase and Repair 154,735
 Operation 1,534,577
 From General Revenue 9,288,260
 Personal Service 216,426
 Operation 14,180
 From Federal Funds 230,606
 Total (Not to exceed 860 F.T.E.) \$9,518,866

Section 5.130. To the Department of Mental Health

For Fulton State Hospital
 Personal Service \$12,866,468
 Equipment Purchase and Repair 134,720
 Operations 2,537,856
 From General Revenue \$15,539,044
 Personal Service \$147,426
 Operations 1,084
 From Federal Funds 148,510
 Total (Not to exceed 1421.8 F.T.E.) \$15,687,554

Section 5.140. To the Department of Mental Health

For Nevada State Hospital
 Personal Service \$1,937,495
 Equipment Purchase and Repair \$14,489
 Operations 111,508

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From General Revenue	2,063,492
Personal Service	
From Federal Funds	89,968
Total (Not to exceed 204.8 F.T.E.)	\$2,153,460

Section 5.150. To the Department of Mental Health

For St. Joseph State Hospital

Personal Service	\$8,616,922
Equipment Purchase and Repair	171,430
Operations	1,735,817
From General Revenue	10,524,169
Personal Service	256,574
Operation	1,184
From Federal Funds	257,758
Total (Not to exceed 1005.3 F.T.E.)	\$10,781,927

Section 5.160. To the Department of Mental Health

For St. Louis Hospital

Personal Service	\$14,901,917
Equipment Purchase and Repair	172,830
Operations	2,927,474
From General Revenue	18,002,221
Personal Service	868,229
Equipment Purchase and Repair	1,140
Operations	168,367
From Federal Funds	1,037,736
Personal Service	431,610
Operations	21,000
From Federal (Program Improvement Funds)	452,610
Personal Service	
From Detox (Metropolitan Police Department)	73,901
Total (Not to exceed 1,599.8 F.T.E.)	\$19,566,468

Section 5.170. To the Department of Mental Health

For Malcolm Bliss Mental Health Center

Personal Service	\$6,984,276
Equipment Purchase and Repair	59,900
Operation	1,107,521
From General Revenue	\$8,151,697
Personal Service	
From Federal Funds	219,917
Total (Not to exceed 668.3 F.T.E.)	\$8,371,614

Section 5.180. To the Department of Mental Health

For Mid-Missouri Mental Health Center

Personal Service	\$3,525,263
Equipment Purchase and Repair	47,870
Operations	962,208
From General Revenue	4,535,341
Personal Service	
From Federal Funds	242,424
Total (Not to exceed 354.5 F.T.E.)	\$4,777,765

Section 5.190. To the Department of Mental Health**For Western Missouri Mental Health Center**

Personal Service	\$4,720,961
Equipment Purchase and Repair	66,330
Operation	2,014,901
From General Revenue	6,802,192
Personal Service	542,379
Operation	27,708
From Federal Funds	570,087
Total (Not to exceed 556.6 F.T.E.)	\$7,372,279

Section 5.200. To the Department of Mental Health**For Higginsville State School and Hospital**

Personal Service	\$2,981,012
Equipment Purchase and Repair	36,580
Operations	428,952
From General Revenue	3,446,544
Personal Service	131,140
Operations	4,361
From Federal Funds	135,501
Personal Service	736,278
Equipment Purchase and Repair	30,000
Operations	15,750
From Federal (Program Improvement Funds)	782,028
Total (Not to exceed 470 F.T.E.)	\$4,364,073

Section 5.210. To the Department of Mental Health**For Marshall State School and Hospital**

Personal Service	\$7,068,446
Equipment Purchase and Repair	133,970
Operations	1,622,057
From General Revenue	8,824,473
Personal Service	160,778
Operations	1,353
From Federal Funds	162,131
Personal Service	
From Federal (Program Improvement Funds)	2,019,827
Total (Not to exceed 1,152.2 F.T.E.)	\$11,006,431

Section 5.220. To the Department of Mental Health**For Nevada State School-Hospital**

Personal Service	\$6,163,047
Equipment Purchase and Repair	136,010
Operations	1,873,778
From General Revenue	8,172,835
Personal Service	
From Federal Funds	\$89,601
Personal Service	2,544,453
Equipment Purchase and Repair	62,320
From Federal (Program Improvement Funds)	2,606,773
Total (Not to exceed 1034 F.T.E.)	\$10,869,209

Section 5.230. To the Department of Mental Health**For St. Louis State School-Hospital**

Personal Service	5,719,127
Equipment Purchase and Repair	150,740
Operations	1,147,447

From General Revenue 7,017,314

Personal Service	152,242
Operations	20,803

From Federal Funds 173,045

Personal Service	2,036,683
Equipment Purchase and Repair	29,200
Operation	89,511

From Federal (Program Improvement Funds) 2,155,394**Total (Not to exceed 975.5 F.T.E.)** \$9,345,753**Section 5.240. To the Department of Mental Health****For Albany Regional Center for the Developmentally Disabled**

Personal Service	\$619,064
Equipment Purchase and Repair	14,770
Operations	112,826

From General Revenue 746,660

Personal Service	72,544
Equipment Purchase and Repair	6,000
Operations	6,930

From Federal Funds 85,474**Total (Not to exceed 75 F.T.E.)** \$832,134**Section 5.250. To the Department of Mental Health****For Hannibal Regional Center for the Developmentally Disabled**

Personal Service	\$734,724
Equipment Purchase and Repair	17,950
Operations	150,060

From General Revenue 902,734**Personal Service****From Federal Funds** 76,485**Total (Not to exceed 82.8 F.T.E.)** \$979,219**Section 5.260. To the Department of Mental Health****For Joplin Regional Center for the Developmentally Disabled**

Personal Service	\$691,829
Equipment Purchase and Repair	20,414
Operations	147,176

From General Revenue 859,419**Personal Services****From Federal Funds** 139,258**Total (Not to exceed 84.8 F.T.E.)** \$998,677**Section 5.270. To the Department of Mental Health****For Kansas City Regional Center for the Developmentally Disabled**

Personal Service	\$893,784
Equipment Purchase and Repair	10,040
Operations	162,567

From General Revenue	1,066,391
Personal Service	70,588
Equipment Purchase and Repair	2,200
Operation	7,900
From Federal Funds	80,688
Total (Not to exceed 105.5 F.T.E.)	\$1,147,079

Section 5.280. To the Department of Mental Health

For Kirksville Regional Center for the Developmentally Disabled

Personal Services	\$645,576
Equipment Purchase and Repair	10,372
Operations	132,187

From General Revenue	788,135
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 Personal Services

From Federal Funds	28,124
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Total (Not to exceed 73.8 F.T.E.)	\$816,259
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Section 5.290. To the Department of Mental Health

For Poplar Bluf Regional Center for the Developmentally Disabled

Personal Service	\$629,319
Equipment Purchase and Repair	15,164
Operations	115,112

From General Revenue	759,595
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Personal Service	89,170
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Operation	30,602
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From Federal Funds	119,772
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Total (Not to exceed 73.5 F.T.E.)	\$879,367
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Section 5.300. To the Department of Mental Health

For Rolla Regional Center for the Developmentally Disabled

Personal Service	\$658,880
Equipment Purchase and Repair	10,965
Operations	141,759

From General Revenue	\$811,604
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 Personal Service

From Federal Funds	40,958
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Total (Not to exceed 75.5 F.T.E.)	\$852,562
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Section 5.310. To the Department of Mental Health

For Sikeston Regional Center for the Developmentally Disabled

Personal Service	\$649,533
Equipment Purchase and Repair	17,300
Operations	134,940

From General Revenue	801,773
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Personal Service	60,497
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Operations	56,314
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From Federal Funds	116,811
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Total (Not to exceed 72.2 F.T.E.)	\$918,584
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Section 5.320. To the Department of Mental Health

For Springfield Regional Center for the Developmentally Disabled

Personal Service	\$643,204
Equipment Purchase and Repair	22,322

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Operation	121,823
From General Revenue	787,349
Personal Service	112,717
Equipment Purchase and Repair	9,700
Operation	5,100
From Federal Funds	127,517
Total (Not to exceed 82.9 F.T.E.)	\$914,866
Section 5.330. To the Department of Mental Health	
For St. Louis Regional Center for the Developmentally Disabled	
Personal Service	\$268,160
Equipment Purchase and Repair	1,500
Operations	607,303
From General Revenue	876,963
Personal Service	328,949
Operation	317,754
From Federal Funds	646,703
Total (Not to exceed 55 F.T.E.)	\$1,523,666

Effective July 1, 1977, the Department and programs referred to in Sections 5.010, 5.020, 5.030, 5.040, 5.050, 5.060, 5.070, 5.080, 5.090, 5.100, 5.110, 5.120, 5.130, 5.140, 5.150, 5.160, 5.170, 5.180, 5.190, 5.200, 5.210, 5.220, 5.230, 5.240, 5.250, 5.260, 5.270, 5.280, 5.290, 5.300, 5.310, 5.320, and 5.330 shall provide the Appropriations Committees of the House of Representatives, Senate, and the Committee on State Fiscal Affairs with the following information on a monthly basis: Expenditures by account number assigned by the Office of Administration, Division of Accounting, in The Chart of Accounts and Index for Fiscal Year 1978 Appropriations; federal fund expenditures by grant and purpose together with the Public Law number authorizing such expenditures and the grant identifier number; notification of termination of any federal grant and disposition of any FTE employed under such grant. In the event state funds are appropriated to match an anticipated federal grant and the grant is not made, such funds may not be used for other purposes. In the event federal funds are terminated during Federal Fiscal Year 1978, state funds appropriated to match such federal funds may not be used for other purposes and the state funds shall lapse.

Approved June 29, 1977.

[C. C. S. H. B. 6]

APPROPRIATIONS: Department of Social Services.

AN ACT to appropriate money for the payment of salaries, wages, and per diem of the officers and employees; for the purchase and repair of property; for certain payments and grants, and for the operating and general expenses of the Department of Social Services, for the period beginning July 1, 1977 and ending June 30, 1978; provided however that the Department and programs contained herein shall furnish the General Assembly on a monthly basis with the expenditures by account number assigned by the Office of Administration, Division of Accounting, in the Chart of Accounts and Index for Fiscal Year 1978 Appropriations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the

agency for the purpose designated, for the period beginning July 1, 1977 and ending June 30, 1978, as follows:

Section 6.010. To the Department of Social Services-

For Office of the Director - Administration

Personal Service	\$708,931
Equipment Purchase and Repair	14,586
Operation	120,097
From General Revenue	\$843,614
Personal Service	199,269
Equipment Purchase and Repair	3,670
Operation	50,001
From Federal Funds	\$252,940
Total (Not to exceed 62 F.T.E.)	\$1,096,554

Section 6.020. To the Department of Social Services-

For the Division of Special Services - Comprehensive Health Planning

Personal Service	\$42,353
Operation	16,219
From General Revenue	\$58,572
Personal Service	156,334
Operation	84,334
From Federal Funds	\$240,668
Total (Not to exceed 15 F.T.E.)	\$299,240

Section 6.030. To the Department of Social Services-

For the Division of Special Services - Office of Manpower Planning

Personal Service	\$421,917
Equipment Purchase and Repair	2,897
Operation	143,008
From Federal Funds (Not to exceed 30 F.T.E.)	\$567,822

Section 6.040. To the Department of Social Services-

For the Division of Special Services - Office of Economic Opportunity

Personal Service	
From General Revenue	\$21,310
Personal Service	86,887
Equipment Purchase and Repair	1,225
Operation	60,818
From Federal Funds	\$148,930
Total (Not to exceed 7 F.T.E.)	\$170,240

Section 6.050. To the Department of Social Services-

For the Division of Special Services - Office of Aging

Personal Service	\$56,548
Equipment Purchase and Repair	591
Operation	23,263
From General Revenue	\$80,402
Personal Service	175,544
Equipment Purchase and Repair	2,633
Operation	145,000

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From Federal Funds	\$323,177
Total (Not to exceed 19.5 F.T.E.)	\$403,579

Section 6.060. To the Department of Social Services-

For the Division of Special Services

Office of Manpower Planning	\$81,683,340
Office of Economic Opportunity	16,600,000
Office of Aging	17,324,572
Comprehensive Health Planning	150,880

From Federal and Other Sources	\$115,758,792
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Office of Economic Opportunity

From Anti-Recession Fiscal Assistance Fund	\$1,000,000
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Total	\$116,758,792
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Section 6.070. To the Department of Social Services-

For the Division of Health - Administration

Personal Service	\$568,192
Equipment Purchase and Repair	24,730
Operation	255,240

From General Revenue	\$348,162
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Personal Service	35,760
Equipment Purchase and Repair	50,000
Operation	355,600

From Federal Funds	\$441,360
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Total (Not to exceed 57 F.T.E.)	\$1,289,522
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Section 6.080. To the Department of Social Services-

For the Division of Health - Personal Health Services

Personal Services	\$357,446
Equipment Purchase and Repair	13,261
Operation	75,264

From General Revenue	\$445,971
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Personal Service	252,581
Operation	688,990

From Federal Funds	\$941,571
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Total (Not to exceed 51.7 F.T.E.)	\$1,387,542
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Section 6.090. To the Department of Social Services-

For the Division of Health - Local Health Services

Personal Service	\$1,545,117
Equipment Purchase and Repair	34,200
Operation	212,450

From General Revenue	\$1,791,767
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Personal Service	609,786
Operation	366,719

From Federal Funds	\$976,505
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Total (Not to exceed 177.3 F.T.E.)	\$2,768,272
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Section 6.100. To the Department of Social Services-

For the Division of Health - Hospital and Technical Services

Personal Services	\$340,994
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Equipment Purchase and Repair	2,640
Operation	91,349
From General Revenue	\$434,983
Personal Service	490,886
Equipment Purchase and Repair	400,000
Operation	244,913
From Federal Funds	\$1,135,799
Total (Not to exceed 61 F.T.E.)	\$1,570,782
Section 6.110. To the Department of Social Services-	
For the Division of Health - Epidemiology and Disease Surveillance	
Personal Service	\$170,728
Equipment Purchase and Repair	49,145
Operation	14,183
From General Revenue	\$234,056
Personal Service	498,501
Operation	145,743
From Federal Funds	\$644,244
Total (Not to exceed 55.7 F.T.E.)	\$878,300
Section 6.120. To the Department of Social Services-	
For the Division of Health - State Center for Health Statistics	
Personal Service	\$766,916
Equipment Purchase and Repair	34,400
Operation	211,357
From General Revenue	\$1,012,673
Personal Service	337,276
Operation	177,009
From Federal Funds	\$514,285
Total (Not to exceed 121.5 F.T.E.)	\$1,526,958
Section 6.130. To the Department of Social Services-	
For the Division of Health - Maternal and Child Health	
Personal Service	\$19,475
Equipment Purchase and Repair	1,100
Operation	\$3,984
From General Revenue	\$24,559
Personal Service	101,262
Operation	695,015
From Federal Funds	\$796,277
Total (Not to exceed 10 F.T.E.)	\$820,836
Section 6.140. To the Department of Social Services-	
For the Division of Health - Crippled Children's Service	
Personal Service	\$1,049,598
Equipment Purchase and Repair	15,900
Operation	2,508,991
From General Revenue	\$3,574,489
Operation	
From Federal Funds	\$3,061,270

Total (Not to exceed 97.75 F.T.E.)	\$6,635,759
Section 6.150. To the Department of Social Services-	
For the Division of Health - Missouri State Chest Hospital	
Personal Service	\$5,689,833
Equipment Purchase and Repair	187,350
Operation	1,195,571
From General Revenue	\$7,072,754
Operation	
From Hospital Earnings Funds	\$450,000
Total (Not to exceed 613.9 F.T.E.)	\$7,522,754
Section 6.160. To the Department of Social Services-	
For the Division of Health - State Cancer Commission - Cancer Control	
Personal Service	\$119,933
Operation	114,617
From General Revenue (Not to exceed 12 F.T.E.)	\$234,550
Section 6.170. To the Department of Social Services-	
For the Division of Health - State Cancer Commission - Ellis Fischel Cancer Hospital	
Personal Service	\$4,108,872
Equipment Purchase and Repair	476,960
Operation	1,403,906
From General Revenue (Not to exceed 402.6 F.T.E.)	\$5,989,738
Section 6.180. To the Department of Social Services-	
For the Division of Health	
For financial assistance to local health agencies, including cities, counties and regions for expenditures in the operation of local agencies	
From General Revenue	\$2,028,665
From Federal Funds	1,233,140
Total	\$3,261,805
Section 6.190. To the Department of Social Services-	
For the Division of Health	
For the expansion and improvement of hypertension programs throughout Missouri.	
From Federal Funds	\$339,100
Section 6.200. To the Department of Social Services-	
For the Division of Health	
For the administration of maternal and child health special projects and for personal service, equipment purchase and repair, and operation including financial assistance to local communities operating such projects	
From General Revenue	\$250,000
From Federal Funds	3,022,837
Total	\$3,272,837
Section 6.210. To the Department of Social Services-	
For the Division of Health -	
For Special Health Service (Project Grants)	
Purchase of Ambulances	\$200,000

Initial Support for Ambulance Districts	150,000
Consortium for Health Manpower	100,000
Demonstration Health Units	200,000
Demonstration Home Health Agencies	40,000
From General Revenue	<u>\$690,000</u>
Section 6.220. To the Department of Social Services-	
For the Division of Health - Cancer Hospital Fund	
For receipt of monies from wills, bequests, and donations to be used to extend services at the Cancer Hospital as created in Chapter 31.010 and 31.030 RSMo.	
From Cancer Hospital Fund	\$25,000
Section 6.230. To the Department of Social Services-	
For the Division of Health - Prevention of Mental Retardation Program	
For administering and implementing the provisions of Senate Substitute #2 for House Substitute for House Bill 1686, an Act of the 77th General Assembly, Second Regular Session, providing for payments to certain hospitals and health care programs	
From Program Improvement Fund	\$2,800,000
Section 6.240. To the Department of Social Services-	
For the Division of Health - Hospital Subsidy	
For implementing the provisions of Senate Substitute #2 for House Substitute for House Bill 1686, an Act of the 77th General Assembly, Second Regular Session, providing for payments to certain hospitals and health care programs. The director of the department of social services shall, prior to allocation of appropriations under this section, ascertain compliance with the provisions of chapter 189, RSMo, requiring that proposed programs be reasonable for patient care and no allocation shall be made for any program or part thereof found to be not reasonable, unnecessary or not within the state priorities of health care under the provisions of section 189.030, RSMo.	
From General Revenue	\$4,400,000
From Federal (Program Improvement) Fund	<u>\$600,000</u>
Total	<u>\$5,000,000</u>
Section 6.250. To the Department of Social Services-	
For the Division of Health	
For payments to Kansas City and St. Louis in behalf of tuberculosis charity patients, in accordance with Sections 205.430 and 205.450, RSMo. 1969	
From General Revenue	\$732,944
Section 6.260. To the Department of Social Services-	
For the Division of Health	
For the Hemophilla Program	
From General Revenue	\$200,000
Section 6.270. To the Department of Social Services-	
For the Division of Health	
For Reimbursement to supplement and expand existing treatment centers and equipment purchase and repair and operation to provide inhalation equipment and to establish training programs in the area of cystic fibrosis	
From General Revenue	\$200,000

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Section 6.280. To the Department of Social Services-	
For the Division of Health	
For the Sickle Cell Anemia Disease Program	
From General Revenue	\$200,000
Section 6.290. To the Department of Social Services-	
For the Division of Health	
For the Family Practice Residency Program	
From Federal Funds	\$200,000
Section 6.300. To the Department of Social Services-	
For the Division of Health	
For the Water and Sewage Fund	
From General Revenue	\$150,000
Section 6.310. To the Department of Social Services-	
For the Division of Health	
Hospital Survey and Construction	
All allotments, grants and contributions of funds from the federal government paid into the State Treasury pursuant to Public Law 91-296 known and cited as the Medical Facilities Construction and Modernization Amendments of 1970	
From Federal Funds	\$5,000,000
Section 6.320. To the Department of Social Services-	
For the Division of Health	
For Special Supplemental Food Programs for Women, Infants and Children	
From Federal Funds	\$9,400,000
Section 6.330. To the Department of Social Services-	
For the Division of Health	
For Early Periodic, Screening, Diagnosis and Treatment Program	
From General Revenue	\$92,000
From Federal Funds	108,000
Total	\$200,000
Section 6.340. To the Department of Social Services-	
For the Division of Health	
All allotments, grants and contributions from the federal government, paid into the State Treasury for the purpose of purchasing drugs for victims of rheumatic fever	
From Medical Services Fund	\$8,000
Section 6.350. To the Department of Social Services-	
For the Division of Health	
For Emergency Medical Services Program	
From Federal Funds	\$2,594,088
Section 6.360. To the Department of Social Services-	
For the Division of Health	
For Family Planning Services Program	
From Federal Funds	\$536,558
Section 6.370. To the Department of Social Services-	
For the Division of Health - Crippled Children's Service	
All allotments, grants, and contributions of funds from private sources paid into the State Treasury for the use of the Missouri Crippled Children's Service	
From Crippled Children's Service Fund	\$52,500

Section 6.375. To the Department of Social Services-
 For the Division of Health
 For the State of Missouri Task Force on Arthritis
 From General Revenue

I hereby veto all of said section for the reason that the Department of Social Services did not include in its budget a special request for funding of the task force. An adequate explanation has not been presented to my office as to why this particular task force should receive state funds.

JOSEPH P. TEASDALE, Governor

Section 6.376. To the Department of Social Services-
 For the Division of Health

For administration of and services provided under the federal
 immunization program
 From Federal Funds \$270,000

Section 6.380. To the Department of Social Services-
 For the Division of Family Services - Income Maintenance

Personal Service	\$11,366,790
Equipment Purchase and Repair	27,604
Operation	529,096
From General Revenue	\$11,923,490
Personal Service	9,885,726
Equipment Purchase and Repair	23,986
Operation	459,746
From Federal Funds	\$10,369,458
Total (Not to exceed 2,277 F.T.E.)	\$22,292,948

Section 6.390. To the Department of Social Services-
 For the Division of Family Services - Food Program

Personal Service	\$2,973,474
Equipment Purchase and Repair	10,608
Operation	600,451
From General Revenue	\$3,584,533
Personal Service	2,973,474
Equipment Purchase and Repair	10,608
Operation	600,451
From Federal Funds	\$3,584,533
Total (Not to exceed 660 F.T.E.)	\$7,169,066

Section 6.400. To the Department of Social Services-
 For the Division of Family Services - Social Services

Personal Service	\$2,792,194
Equipment Purchase and Repair	27,792
Operation	248,242
From General Revenue	\$3,068,228
Personal Service	11,159,843
Equipment Purchase and Repair	83,375
Operation	921,884
From Federal Funds	\$12,165,102
Total (Not to exceed 1,443 F.T.E.)	\$15,233,330

Section 6.405. To the Department of Social Services-
For the Division of Family Services -
Social Services - Adult Services

Personal Service	\$128,137
Equipment Purchase and Repair	5,490
Operation	17,112
From General Revenue	\$150,739
Personal Service	384,412
Equipment Purchase and Repair	16,470
Operation	51,338
From Federal Funds	\$452,220
Total (Not to exceed 50 F.T.E.)	\$602,959

Section 6.410. To the Department of Social Services-
For the Division of Family Services - Medical Services

Personal Services	\$700,908
Equipment Purchase and Repair	7,979
Operation	208,068
From General Revenue	\$916,955
Personal Service	870,397
Equipment Purchase and Repair	8,685
Operation	471,831
From Federal Funds	\$1,350,913
Total (Not to exceed 153.2 F.T.E.)	\$2,267,868

Section 6.420. To the Department of Social Services-
For the Division of Family Services - Administrative Services

Personal Services	\$3,115,676
Equipment Purchase and Repair	56,163
Operation	2,478,708
From General Revenue	\$5,650,547
Personal Service	4,262,355
Equipment Purchase and Repair	62,049
Operation	3,785,750
From Federal Funds	\$8,110,154
Total (Not to exceed 706.5 F.T.E.)	\$13,760,701

Section 6.430. To the Department of Social Services-
For the Division of Family Services - Services for the Blind

Personal Service	\$623,307
Equipment Purchase and Repair	7,985
Operation	204,540
From Federal Funds	\$835,832
Personal Service	362,176
Equipment Purchase and Repair	2,669
Operation	114,655
From Blind Pension Fund	\$479,500
Total (Not to exceed 89.7 F.T.E.)	\$1,315,332

Section 6.440. To the Department of Social Services-
For the Division of Family Services - Purchase of Services

Administration	
Personal Service	\$2,942,589
Equipment Purchase and Repair	14,595
Operation	601,957
From Federal Funds	<u>\$3,559,141</u>
Personal Service	980,843
Equipment Purchase and Repair	4,865
Operation	200,652
From Local Funds	<u>\$1,186,360</u>
Total (Not to exceed 419 F.T.E.)	<u>\$4,745,501</u>

Section 6.450. To the Department of Social Services-
For the Division of Family Services - Board of Nursing Home

Administration	
Personal Service	\$21,264
Operation	21,825
From General Revenue (Not to exceed 2 F.T.E.)	<u>\$43,089</u>

Section 6.460. To the Department of Social Services-
For the Division of Family Services
For completion of the 1115 Manpower Planning Project under Section
1115 of the Social Security Act

Personal Service	\$70,747
Equipment Purchase and Repair	1,998
Operation	301,314
From Federal Funds (Not to exceed 4.5 F.T.E.)	<u>\$374,059</u>

Section 6.470. To the Department of Social Services-
For the Division of Family Services
For Child Support Enforcement as required under Title IV-D of the
Social Security Act

Personal Service	\$307,736
Equipment Purchase and Repair	27,286
Operation	236,090
From General Revenue	<u>\$571,112</u>
Personal Service	923,209
Equipment Purchase and Repair	81,856
Operation	708,271
From Federal Funds	<u>\$1,713,336</u>
Total (Not to exceed 130.5 F.T.E.)	<u>\$2,284,448</u>

Section 6.480. To the Department of Social Services-
For the Division of Family Services
For reimbursement of counties and the City of St. Louis providing child
support enforcement services under cooperative agreement with
the Department of Social Services and in compliance with the
provisions of Title IV-D of the Social Security Act

From Federal Funds	<u>\$5,000,000</u>
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Section 6.490. To the Department of Social Services-
For the Division of Family Services

For payment to the federal government of its share of retained child support collections, incentive payments to local governments and other states, refunds of support payments and distributions to families as required by Title IV-D of the Social Security Act	
From General Revenue	\$8,000,000
Section 6.500. To the Department of Social Services-	
For the Division of Family Services	
For the payment of aid to families with dependent children benefits at a level of sixty-five percent of need as determined by standards of the Division of Family Services as of June 1, 1977.	
From General Revenue	\$55,602,093
From Federal Funds	\$86,967,375
Total	\$142,569,468
Section 6.510. To the Department of Social Services-	
For the Division of Family Services	
For supplementation payments to aged, blind or disabled persons	
From General Revenue	\$14,879,700
From Blind Pension	\$3,034,632
Total	\$17,914,332
Section 6.520. To the Department of Social Services-	
For the Division of Family Services	
For aid or relief in case of public calamity, direct relief to unemployable persons, and payment of relief orders	
From General Revenue	\$5,000,000
Section 6.530. To the Department of Social Services-	
For the Division of Family Services	
For payment of blind pensions	
From Blind Pension Fund	\$391,440
Section 6.540. To the Department of Social Services-	
For the Division of Family Services	
For services for the visually impaired	
From Federal Funds	\$1,453,000
From Blind Pension Fund	\$468,000
Total	\$1,921,000
Section 6.550. To the Department of Social Services-	
For the Division of Family Services	
To reimburse counties and the City of St. Louis for the state's share of the cost of family foster home care to homeless, dependent or neglected children, to pay for residential treatment of homeless, dependent, or neglected children, and to subsidize adoptions as provided by law	
From General Revenue	\$3,550,000
From Federal Funds	\$1,798,275
Total	\$5,348,275
Section 6.560. To the Department of Social Services-	
For the Division of Family Services	
For purchase of day care for children of employable ADC recipients	
From General Revenue	\$1,381,670
From Federal Funds	\$6,023,232
Total	\$7,404,902

Section 6.570. To the Department of Social Services-

For the Division of Family Services

For Aid to Dependent Children-Work Training

From General Revenue \$400,000

Section 6.580. To the Department of Social Services-

For the Division of Family Services

For the purchase of services for the treatment of child abuse and neglect

From General Revenue \$362,744

From Federal Funds \$1,088,234

Total \$1,450,978

Section 6.590. To the Department of Social Services-

For the Division of Family Services

For the purchase of homemaker and chore services

From General Revenue \$400,000

From Federal Funds \$1,200,000

Total \$1,600,000

Section 6.600. To the Department of Social Services-

For the Division of Family Services

For nursing care payments to aged, blind or disabled persons

From General Revenue \$20,045,525

From Anti-Recession Fiscal Assistant Fund \$474,475

Total \$20,520,000

Section 6.610. To the Department of Social Services-

For the Division of Family Services

For benefits under Title XIX of the Social Security Act, as provided by law

From General Revenue \$68,391,824

From Federal Funds \$112,048,384

Total \$180,440,208

Section 6.613. To the Department of Social Services-

For the Division of Family Services -

For reimbursement of \$2.25 per transaction to pharmacists for dispensing medical prescriptions under Title XIX of the Social Security Act

From General Revenue \$3,938,996

From Federal Funds \$4,814,328

Total \$8,753,324

Section 6.615. To the Department of Social Services-

For the Division of Family Services -

For reimbursement to physicians for services provided under Title XIX of the Social Security Act

From General Revenue \$10,363,680

From Federal Funds \$12,666,720

Total \$23,030,400

Section 6.620. To the Department of Social Services-

For the Division of Family Services

For Purchase of services-Expenditures to Organizations

From Federal and Other Sources \$38,389,907

Section 6.630. To the Department of Social Services-

For the Division of Veterans Affairs - Administration

Personal Service	\$70,072
Equipment Purchase and Repair	2,100
Operation	7,582

From General Revenue (Not to exceed 7.25 F.T.E.)	\$79,754
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Section 6.640. To the Department of Social Services-

For the Division of Veterans Affairs - Service to Veterans

Personal Service	\$559,826
Equipment Purchase and Repair	1,500
Operation	104,511

From General Revenue (Not to exceed 64 F.T.E.)	\$665,837
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Section 6.650. To the Department of Social Services-

For the Division of Veterans Affairs

For Federal Soldiers' Home of Missouri - Administrative

Personal Service	\$69,934
Equipment Purchase and Repair	2,765
Operation	42,198

From State Federal Soldiers' Home Fund (Not to exceed 6 F.T.E.)	\$114,897
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Section 6.660. To the Department of Social Services-

For the Division of Veterans Affairs

For Federal Soldiers' Home of Missouri - Medical Services

Personal Service

From General Revenue	\$423,316
Personal Service	114,773
Equipment Purchase and Repair	6,125
Operation	99,737

From State Federal Soldiers' Home Fund	\$220,635
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Total (Not to exceed 67.5 F.T.E.)	\$643,951
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Section 6.670. To the Department of Social Services-

For the Division of Veterans Affairs

For Federal Soldiers' Home of Missouri - Support Services

Personal Service

From General Revenue	\$130,120
Personal Service	305,193
Equipment Purchase and Repair	25,471
Operation	268,354

From State Federal Soldiers' Home Fund	\$599,018
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Total (Not to exceed 61.4 F.T.E.)	\$729,138
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Section 6.675. To the Department of Social Services-

For the Division of Corrections - Central Office - (Management)

Personal Service

Equipment Purchase and Repair

Operation

From General Revenue (Not to exceed 4 F.T.E.)	\$79,551
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Section 6.680. To the Department of Social Services-**For the Division of Corrections - Central Office - (Programs)**

Personal Service	\$352,792
Equipment Purchase and Repair	1,273
Operation	38,861
From General Revenue	<u>\$392,926</u>
Personal Service	86,381
Equipment Purchase and Repair	8,978
Operation	30,230
From Federal Funds	<u>\$125,589</u>
Personal Service	121,925
Equipment Purchase and Repair	11,135
Operation	20,092
From Working Capital Revolving Fund	<u>\$153,152</u>
Total (Not to exceed 48.25 F.T.E.)	<u>\$671,667</u>

Section 6.685. To the Department of Social Services-**For the Division of Corrections - Central Office - (Support)**

Personal Service	\$394,542
Equipment Purchase and Repair	4,400
Operation	65,199
From General Revenue	<u>\$464,141</u>
Personal Service	25,560
Equipment Purchase and Repair	24,300
Operation	65,276
From Federal Funds	<u>\$115,136</u>
Personal Service	103,600
Equipment Purchase and Repair	8,570
Operation	15,596
From Working Capital Revolving Fund	<u>\$127,766</u>
Total (Not to exceed 46 F.T.E.)	<u>\$707,043</u>

Section 6.690. To the Department of Social Services-**For the Division of Corrections - Central Office - (Community Services)**

Personal Service	\$22,296
Equipment Purchase and Repair	1,570
Operation	665,245
From General Revenue	<u>\$689,111</u>
Personal Service	188,700
Operation	91,365
From Federal Funds	<u>\$280,065</u>
Total (Not to exceed 18 F.T.E.)	<u>\$969,176</u>

Section 6.695. To the Department of Social Services-**Division of Corrections - Penitentiary for Men - (Management)**

Personal Service	\$208,870
Equipment Purchase and Repair	4,000
Operation	41,227
From General Revenue (Not to exceed 18 F.T.E.)	<u>\$254,097</u>

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Section 6.700. To the Department of Social Services-**For the Division of Corrections - Penitentiary for Men - (Programs)**

Personal Service	\$361,632
Equipment Purchase and Repair	13,130
Operation	28,524
From General Revenue	\$403,286
Personal Service	122,863
Equipment Purchase and Repair	7,800
Operation	42,981
From Federal Funds	\$173,644
Personal Service	512,894
Equipment Purchase and Repair	192,355
Operation	3,013,661
From Working Capital Revolving Fund	\$3,718,910
Total (Not to exceed 94 F.T.E.)	\$4,295,840

Section 6.705. To the Department of Social Services-**For the Division of Corrections - Penitentiary for Men - (Support)**

Personal Service	\$4,273,014
Equipment Purchase and Repair	425,600
Operation	3,248,041
From General Revenue (Not to exceed 455.25 F.T.E.)	\$7,946,655

Section 6.710. To the Department of Social Services-**For the Division of Corrections - Penitentiary for Men - (Community Services)**

Operation	
From General Revenue	\$25,000
Equipment Purchase and Repair	5,000
Operation	5,099
From Federal Funds	\$10,099
Total	\$35,099

Section 6.715. To the Department of Social Services-**For the Division of Corrections - Church Farm - (Management)**

Personal Service	\$52,259
Equipment Purchase and Repair	1,025
Operation	5,468
From General Revenue (Not to exceed 5 F.T.E.)	\$58,752

Section 6.720. To the Department of Social Services-**For the Division of Corrections - Church Farm - (Programs)**

Personal Service	\$62,588
Equipment Purchase and Repair	2,000
Operation	10,887
From General Revenue	\$75,475
Personal Service	48,953
Equipment Purchase and Repair	4,400
Operation	18,737
From Federal Funds	\$72,090
Total (Not to exceed 10 F.T.E.)	\$147,565

Section 6.725. To the Department of Social Services-**For the Division of Corrections - Church Farm - (Support)**

Personal Service	\$387,517
Equipment Purchase and Repair	100,503
Operation	514,096
From General Revenue	\$1,002,116
Personal Service	135,635
Equipment Purchase and Repair	63,500
Operation	312,827
From Working Capital Revolving Fund	\$516,962
Total (Not to exceed 56 F.T.E.)	\$1,519,078

Section 6.730. To the Department of Social Services-**For the Division of Corrections - Church Farm - (Community Services)**

Operation	
From General Revenue	\$21,000
Equipment Purchase and Repair	2,000
Operation	5,099
From Federal Funds	\$7,099
Total	\$28,099

Section 6.735. To the Department of Social Services-**For the Division of Corrections - Renz Farm - (Management)**

Personal Service	\$43,737
Equipment Purchase and Repair	600
Operation	4,554
From General Revenue (Not to exceed 4 F.T.E.)	\$48,891

Section 6.740. To the Department of Social Services-**For the Division of Corrections - Renz Farm - (Programs)**

Personal Service	\$46,153
Equipment Purchase and Repair	15,770
Operation	9,964
From General Revenue	\$71,887
Personal Service	34,272
Equipment Purchase and Repair	1,500
Operation	16,610
From Federal Funds	\$52,382
Total (Not to exceed 8 F.T.E.)	\$124,269

Section 6.745. To the Department of Social Services-**For the Division of Corrections - Renz Farm - (Support)**

Personal Service	\$397,481
Equipment Purchase and Repair	86,733
Operation	301,810
From General Revenue	\$786,024
Personal Service	29,465
Equipment Purchase and Repair	61,400
Operation	157,296
From Working Capital Revolving Fund	\$248,161
Total (Not to exceed 48.25 F.T.E.)	\$1,034,185

Section 6.750. To the Department of Social Services-

For the Department of Corrections - Renz Farm - (Community Services)

Operation	
From General Revenue	\$7,500
Equipment Purchase and Repair	2,000
Operation	5,099
From Federal Funds	\$7,099
Total	\$14,599

Section 6.755. To the Department of Social Services-

For the Division of Corrections - Fordland Honor Camp - (Management)

Personal Service	\$38,968
Equipment Purchase and Repair	2,000
Operation	9,145
From General Revenue (Not to exceed 4 F.T.E.)	\$50,113

Section 6.760. To the Department of Social Services-

For the Division of Corrections - Fordland Honor Camp - (Programs)

Personal Service	\$56,894
Equipment Purchase and Repair	5,000
Operation	20,011
From General Revenue	\$81,905
Personal Service	43,854
Equipment Purchase and Repair	4,150
Operation	19,021
From Federal Funds	\$67,025
Total (Not to exceed 8.5 F.T.E.)	\$148,930

Section 6.765. To the Department of Social Services-

For the Division of Corrections - Fordland Honor Camp - (Support)

Personal Service	\$250,795
Equipment Purchase and Repair	59,238
Operation	295,637
From General Revenue (Not to exceed 27.25 F.T.E.)	\$605,670

Section 6.770. To the Department of Social Services-

For the Division of Corrections - Fordland Honor Camp - (Community Services)

Operation	
From General Revenue	\$10,470
Equipment Purchase and Repair	1,500
Operation	5,099
From Federal Funds	\$6,599
Total	\$17,069

Section 6.775. To the Department of Social Services-

For the Division of Corrections - State Correctional Pre-Release Center - (Management)

Personal Service	\$48,382
Equipment Purchase and Repair	1,100
Operation	11,262
From General Revenue (Not to exceed 4 F.T.E.)	\$60,744

Section 6.780. To the Department of Social Services-
For the Division of Corrections - State Correctional Pre-Release Center -
(Programs)

Personal Service	\$63,248
Equipment Purchase and Repair	1,000
Operation	10,888
From General Revenue	\$75,136
Personal Service	24,719
Equipment Purchase and Repair	6,775
Operation	13,034
From Federal Funds	\$44,528
Personal Service	9,230
Operation	1,360
From Working Capital Revolving Fund	\$10,590
Total (Not to exceed 9.13 F.T.E.)	\$130,254

Section 6.785. To the Department of Social Services-
For the Division of Corrections - State Correctional Pre-Release Center -
(Support)

Personal Service	\$318,299
Equipment Purchase and Repair	52,289
Operation	182,862
From General Revenue	\$553,450
Equipment Purchase and Repair	
From Federal Funds	\$3,000
Total (Not to exceed 35.12 F.T.E.)	\$556,450

Section 6.790. To the Department of Social Services-
For the Division of Corrections - State Correctional Pre-Release Center -
(Community Services)

Personal Service	\$25,550
Equipment Purchase and Repair	700
Operation	30,315
From General Revenue	\$56,565
Personal Service	50,195
Equipment Purchase and Repair	5,000
Operation	65,467
From Federal Funds	\$120,662
Total (Not to exceed 6 F.T.E.)	\$177,227

Section 6.795. To the Department of Social Services-
For the Division of Corrections - Missouri Training Center for Men -
(Management)

Personal Service	\$146,799
Equipment Purchase and Repair	500
Operation	22,287
From General Revenue (Not to exceed 13 F.T.E.)	\$169,586

Section 6.800. To the Department of Social Services-
For the Division of Corrections - Missouri Training Center for Men
(Programs)

Personal Service	\$310,856
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Equipment Purchase and Repair	30,000
Operation	27,851
From General Revenue	\$368,707
Personal Service	94,528
Equipment Purchase and Repair	15,500
Operation	49,254
From Federal Funds	\$159,282
Personal Service	230,417
Equipment Purchase and Repair	153,160
Operation	645,655
From Working Capital Revolving Fund	\$1,029,232
Total (Not to exceed 58.25 F.T.E.)	\$1,557,221
Section 6.805. To the Department of Social Services-	
For the Division of Corrections - Missouri Training Center for Men -	
(Support)	
Personal Service	\$1,726,236
Equipment Purchase and Repair	120,899
Operation	1,335,998
From General Revenue	\$3,183,133
Equipment Purchase and Repair	
From Federal Funds	\$5,000
Total (Not to exceed 187.5 F.T.E.)	\$3,188,133
Section 6.810. To the Department of Social Services-	
For the Division of Corrections - Missouri Training Center for Men -	
(Community Services)	
Operation	
From General Revenue	\$16,000
Equipment Purchase and Repair	5,000
Operation	5,099
From Federal Funds	\$10,099
Total	\$26,099
Section 6.815. To the Department of Social Services-	
For the Division of Corrections - Intermediate Reformatory -	
(Management)	
Personal Service	\$103,545
Equipment Purchase and Repair	1,100
Operation	16,223
From General Revenue (Not to exceed 8 F.T.E.)	\$120,868
Section 6.820. To the Department of Social Services-	
For the Division of Corrections - Intermediate Reformatory -	
(Programs)	
Personal Service	\$231,983
Equipment Purchase and Repair	12,540
Operation	22,653
From General Revenue	\$267,176
Personal Service	132,572
Equipment Purchase and Repair	19,515

Operation	92,149
From Federal Funds	<u>\$244,236</u>
Total (Not to exceed 31.13 F.T.E.)	\$511,412

**Section 6.825. To the Department of Social Services-
For the Division of Corrections - Intermediate Reformatory - (Support)**

Personal Service	\$1,312,109
Equipment Purchase and Repair	114,415
Operation	<u>822,740</u>
From General Revenue	\$2,249,264
Equipment Purchase and Repair	
From Federal Funds	\$5,000
Personal Service	27,739
Equipment Purchase and Repair	15,750
Operation	<u>94,560</u>
From Working Capital Revolving Fund	<u>\$138,049</u>
Total (Not to exceed 146.75 F.T.E.)	\$2,392,313

**Section 6.830. To the Department of Social Services-
For the Division of Corrections - Intermediate Reformatory -
(Community Services)**

Operation	
From General Revenue	\$26,000
Equipment Purchase and Repair	5,000
Operation	<u>5,099</u>
From Federal Funds	<u>\$10,099</u>
Total	\$36,099

**Section 6.835. To the Department of Social Services-
For the Division of Corrections**

For expenses involving the emergency housing, care and supervision of inmates

From General Revenue	\$1,921,480
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This appropriation is to be spent only after consultation with the Joint Committee on Correctional Institutions and Problems

**Section 6.840. To the Department of Social Services-
For the Division of Youth Services - Management Services/Central
Office**

Personal Service	\$184,765
Equipment Purchase and Repair	1,000
Operation	<u>13,224</u>
From General Revenue	\$198,989
Personal Service	55,228
Equipment Purchase and Repair	941
Operation	<u>15,502</u>
From Federal Funds	<u>\$71,671</u>
Total (Not to exceed 19.56 F.T.E.)	\$270,660

Section 6.845. To the Department of Social Services-**For the Division of Youth Services - Program Planning Development and Evaluation**

Personal Service	\$77,503
Operation	16,406
From General Revenue	\$93,909
Personal Service	379,705
Equipment Purchase and Repair	11,479
Operation	177,957
From Federal Funds	\$569,141
Total (Not to exceed 38.5 F.T.E.)	\$663,050

Section 6.850. To the Department of Social Services-**For the Division of Youth Services - Community Services - Aftercare**

Personal Service	\$511,244
Equipment Purchase and Repair	3,000
Operation	159,970
From General Revenue	\$674,214
Personal Service	564,031
Equipment Purchase and Repair	9,680
Operation	665,313
From Federal Funds	\$1,239,024
Total (Not to exceed 94.6 F.T.E.)	\$1,913,238

Section 6.855. To the Department of Social Services-**For the Division of Youth Services - Community Services - Foster Specialized Contractual Care**

Operation	
From General Revenue	\$163,270
Operation	
From Federal Funds	\$121,120
Total	\$284,390

Section 6.860. To the Department of Social Services-**For the Division of Youth Services - Community Services - Group Homes**

Personal Service	\$708,857
Equipment Purchase and Repair	42,200
Operation	327,704
From General Revenue	\$1,078,761
Personal Service	713,505
Equipment Purchase and Repair	18,325
Operation	349,514
From Federal Funds	\$1,081,344
Total (Not to exceed 141.3 F.T.E.)	\$2,160,105

Section 6.865. To the Department of Social Services-**For the Division of Youth Services - Community Services - Park Camp**

Personal Service	\$333,647
Equipment Purchase and Repair	21,150
Operation	98,740

From General Revenue (Not to exceed 32 F.T.E.)	\$453,537
Section 6.870. To the Department of Social Services-	
For the Division of Youth Services - Community Services -	
Classification	
Personal Service	\$86,479
Equipment Purchase and Repair	200
Operation	30,758
From Federal Funds (Not to exceed 7 F.T.E.)	\$117,437
Section 6.875. To the Department of Social Services-	
For the Division of Youth Services - Institutional Services - Training	
School for Boys	
Personal Service	\$1,975,969
Equipment Purchase and Repair	45,225
Operation	575,479
From General Revenue	\$2,596,673
Personal Service	97,242
Operation	12,334
From Federal Funds	\$109,576
Total (Not to exceed 178.70 F.T.E.)	\$2,706,249
Section 6.880. To the Department of Social Services-	
For the Division of Youth Services - Institutional Services - W. E. Sears	
Youth Center	
Personal Service	\$748,988
Equipment Purchase and Repair	46,000
Operation	234,740
From General Revenue	\$1,029,728
Personal Service	100,310
Operation	20,608
From Federal Funds	\$120,918
Total (Not to exceed 76.3 F.T.E.)	\$1,150,646
Section 6.885. To the Department of Social Services-	
For the Division of Youth Services - Institutional Services - Training	
School for Girls	
Personal Service	\$1,211,942
Equipment Purchase and Repair	39,000
Operation	319,041
From General Revenue	\$1,569,983
Personal Service	126,204
Operation	11,778
From Federal Funds	\$137,982
Total (Not to exceed 126.75 F.T.E.)	\$1,707,965
Section 6.890. To the Department of Social Services-	
For the Division of Youth Services - Institutional Services - Hogan	
Street Regional Youth Center	
Personal Service	\$357,814
Equipment Purchase and Repair	30,600
Operation	159,679

From General Revenue	\$548,093
Personal Service	31,560
Equipment Purchase and Repair	3,986
Operation	14,415
From Federal Funds	\$49,961
Total (Not to exceed 38 F.T.E.)	\$598,054

Section 6.895. To the Department of Social Services-
For the Division of Youth Services

For distribution of funds made available under the provisions of the
Juvenile Justice and Delinquency Prevention Act of 1974

From Federal Funds	\$1,250,000
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Section 6.900. To the Department of Social Services-

For the Division of Probation and Parole - Probation and Parole Services

Personal Service	\$4,003,151
Equipment Purchase and Repair	35,000
Operation	1,099,371
From General Revenue	\$5,137,522
Personal Service	1,079,770
Equipment Purchase and Repair	600
Operation	184,228
From Federal Funds	\$1,264,598
Total (Not to exceed 464.5 F.T.E.)	\$6,402,120

Section 6.905. To the Department of Social Services-
For the Division of Probation and Parole

For distribution of funds to halfway houses

Operation	
From General Revenue	\$140,000
From Federal Funds	419,013

Total	\$559,013
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Effective July 1, 1977, the Department and programs referred to in Sections 6.010, 6.020, 6.030, 6.040, 6.050, 6.060, 6.070, 6.080, 6.090, 6.100, 6.110, 6.120, 6.130, 6.140, 6.150, 6.160, 6.170, 6.180, 6.190, 6.200, 6.210, 6.220, 6.230, 6.240, 6.250, 6.260, 6.270, 6.280, 6.290, 6.300, 6.310, 6.320, 6.330, 6.340, 6.350, 6.360, 6.370, 6.375, 6.376, 6.380, 6.390, 6.400, 6.405, 6.410, 6.420, 6.430, 6.440, 6.450, 6.460, 6.470, 6.480, 6.490, 6.500, 6.510, 6.520, 6.530, 6.540, 6.550, 6.560, 6.570, 6.580, 6.590, 6.600, 6.610, 6.613, 6.615, 6.620, 6.630, 6.640, 6.650, 6.660, 6.670, 6.675, 6.680, 6.685, 6.690, 6.695, 6.700, 6.705, 6.710, 6.715, 6.720, 6.725, 6.730, 6.735, 6.740, 6.745, 6.750, 6.755, 6.760, 6.765, 6.770, 6.780, 6.785, 6.790, 6.795, 6.800, 6.805, 6.810, 6.815, 6.820, 6.825, 6.830, 6.835, 6.840, 6.845, 6.850, 6.855, 6.860, 6.865, 6.870, 6.875, 6.880, 6.885, 6.890, 6.895, 6.900, and 6.905 shall provide the Appropriations Committees of the House of Representatives, Senate, and the Committee on State Fiscal Affairs with the following information on a monthly basis: Expenditures by account number assigned by the Office of Administration, Division of Accounting, in The Chart of Accounts and Index for Fiscal Year 1968 Appropriations; federal fund expenditures by grant and purpose together with the Public Law number authorizing such expenditures and the grant identifier numbers; notification of termination of any federal grant and disposition of any FTE employed under such grant. In the event state funds are appropriated to match an anticipated federal grant and the grant is not made, such funds may not be used for other purposes. In the event federal funds are terminated during Federal Fiscal Year 1978, state

funds appropriated to match such federal funds may not be used for other purposes and the state funds shall lapse.

Approved June 29, 1977.

[C. C. S. H. B. 7]

APPROPRIATIONS: Department of Higher Education, Universities and Colleges.

AN ACT to appropriate money for the payment of salaries, wages and per diem; for the purchase and repair of property; and for the operating expenses, other expenses and grants of the Department of Higher Education, University of Missouri, Southwest Missouri State University, Central Missouri State University, Southeast Missouri State University, Northeast Missouri State University, Northwest Missouri State University, Missouri Southern College, Missouri Western College, Lincoln University, and other state agencies, and for other purposes for the period beginning July 1, 1977 and ending June 30, 1978; provided however that the Department and institutions contained herein shall furnish the General Assembly on a monthly basis with the expenditures by account number assigned by the Office of Administration, Division of Accounting, in the Chart of Accounts and Index for Fiscal Year 1978 Appropriations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency and the purpose designated, for the period beginning July 1, 1977 and ending June 30, 1978, as follows:

Section 7.010. To the Department of Higher Education

For the Division of Administration and Planning - Fiscal Affairs and Student Aid

Personal Service	\$125,520
Equipment Purchase and Repair	1,200
Operation	66,281
From General Revenue	\$193,001
Personal Service	32,010
Operation	7,000
From Guaranty Student Loan Fund	\$39,010
Total (Not to exceed 11 F.T.E.)	\$232,011

Section 7.020. To the Department of Higher Education

For the Division of Administration and Planning - Academic and Student Affairs

Personal Service	\$164,022
Equipment Purchase and Repair	600
Operation	31,918
From General Revenue	\$196,540
Personal Service	
From Federal Funds	17,865
Total (Not to exceed 11 F.T.E.)	\$214,405

Section 7.030. To the Department of Higher Education

For the Division of Administration and Planning - General Administration

Personal Service	\$41,737
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Equipment Purchase and Repair	9,400
Operation	79,146
From General Revenue	\$130,283
Operation	
From Federal Funds	47,130
Total (Not to exceed 2.76 F.T.E.)	\$177,413
Section 7.040. To the Department of Higher Education	
For the Division of Administration and Planning - Missouri State Library (Administration, Reference and Loan Service and Central Services)	
Personal Service	\$263,909
Equipment Purchase and Repair	8,100
Operation	126,143
From General Revenue	\$398,152
Personal Service	144,958
Equipment Purchase and Repair	7,135
Operation	115,250
From Federal Funds	267,343
Total (Not to exceed 42.5 F.T.E.)	\$665,495
Section 7.050. To the Department of Higher Education	
For the Division of Missouri State Library - Aid for the Blind and Physically Handicapped	
Personal Service	\$130,664
Equipment Purchase and Repair	12,200
Operation	82,413
From General Revenue (Not to exceed 16.25 F.T.E.)	\$225,277
Section 7.060. To the Department of Higher Education	
For implementing the provisions of Chapter 173 RSMo., Cum. Supp. 1973	
Student Grants	
From General Revenue	\$6,000,000
From Federal Funds	1,333,000
Total	\$7,333,000
Section 7.070. To the Department of Higher Education	
For all allotments, grants and contributions from the federal government or from any sources which may be deposited in the State Treasury for the use of the Department of Higher Education	
The Library Services and Construction Act, Title I, Services	\$1,000,000
The Library Services and Construction Act, Title II, Construction	500,000
The Library Services and Construction Act, Title III, Interlibrary Cooperation	50,000
From Federal Funds	\$1,550,000
Section 7.080. To the Department of Higher Education	
For investment of Funds of the State Guaranty Student Loan Fund	
From the State Guaranty Student Loan Fund	\$2,000,000
Section 7.090. To the Department of Higher Education	
For distribution to junior colleges as provided in Section 163.191 RSMo	

Cumm. Supp. 1975. The method of distribution of funds appropriated in this section shall be as follows: The funds shall be distributed in two payments on the basis of Twenty-Three Dollars (\$23.00) per credit hour to each institution. The first payment is to be based on 80% of projected student credit hours, and the second payment is to be adjusted to allocate to each junior college a maximum of Twenty-Three Dollars (\$23.00) per actual student credit hour produced during fiscal year 1978. In the event that the funds appropriated under this section are insufficient to pay the apportionment in full, they shall be distributed to junior colleges in pro rata amounts. Any funds not distributed under this section shall lapse.

From General Revenue\$27,600,000

Section 7.100. To the Department of Higher Education

For providing teacher training courses in all cities having seventy-five thousand or more population provided that in the event the funds appropriated herein are insufficient to pay the apportionment in full, they shall be distributed to schools in pro rata amounts

From General Revenue \$1,450,000

Section 7.110. To the Department of Higher Education

For the Division of Missouri State Library - Aid to Public Libraries

From General Revenue \$1,323,013

Section 7.120. To the Department of Higher Education

State Aid to Public Libraries

For Service to the Blind

From General Revenue \$268,586

Section 7.130. To the University of Missouri

For the operation of the Columbia, Kansas City, St. Louis and Rolla Campuses and the Columbia Hospital.

Personal Service\$99,313,029

Equipment Purchase and Repair 1,037,500

Operation 23,026,445

Total\$123,376,974

For Statewide extension service

Personal Service 5,062,156

Equipment Purchase and Repair 5,000

Operation 737,200

Total\$5,804,356

For system research services for all campuses and programs

Personal Service 1,176,387

Equipment Purchase and Repair 5,000

Operation 440,000

Total\$1,621,387

For system supporting services for all campuses and programs

Personal Service \$3,475,447

Equipment Purchase and Repair 5,000

Operation 1,730,500

Total\$5,210,947

From General Revenue\$136,013,664

Section 7.140. To Southwest Missouri State University

Personal Service, Equipment Purchase and Repair, and Operation

From General Revenue\$16,456,792

Section 7.150. To Central Missouri State University

Personal Service, Equipment Purchase and Repair, and Operation

From General Revenue\$14,874,055

Section 7.160. To Southeast Missouri State University

Personal Service, Equipment Purchase and Repair, and Operation

From General Revenue\$12,393,461

Section 7.170. To Northeast Missouri State University

Personal Service, Equipment Purchase and Repair, and Operation

From General Revenue\$9,767,853

I hereby veto said section to the extent of \$478,815 from \$10,246,668 to \$9,767,853, the amount recommended in my budget, which was based on the recommendation of the Coordinating Board for Higher Education. The amount recommended in my budget reflected a two percent increase over the amount appropriated for fiscal 1977, even though enrollment has declined at the institution. My philosophy is to conserve state funds to the greatest extent possible while approving appropriations on an equitable basis for demonstrated needs. I cannot approve an increased appropriation under the circumstances.

JOSEPH P. TEASDALE, Governor

Section 7.180. To Northwest Missouri State University

Personal Service, Equipment Purchase and Repair, and Operation

From General Revenue\$8,010,649

Section 7.190. To Missouri Southern State College

Personal Service, Equipment Purchase and Repair, and Operation

From General Revenue\$5,256,298

Section 7.200. To the Missouri Western State College

Personal Service, Equipment Purchase and Repair, and Operation

From General Revenue\$5,223,947

Section 7.210. To Lincoln University

Personal Service, Equipment Purchase and Repair, and Operation

From General Revenue\$5,096,370

I hereby veto said section to the extent of \$303,630 from \$5,400,000 to \$5,096,370, the amount recommended in my budget, which was based on the recommendation of the Coordinating Board for Higher Education. The amount recommended in my budget reflected a two percent increase over the amount appropriated for fiscal 1977, even though enrollment has declined at the institution. My philosophy is to conserve state funds to the greatest extent possible while approving appropriations on an equitable basis for demonstrated needs. I cannot approve an increased appropriation under the circumstances.

JOSEPH P. TEASDALE, Governor

Section 7.220. To the University of Missouri

For the State Historical Society

Personal Service, Equipment Purchase and Repair, and Operation

From General Revenue\$326,349

Section 7.230. To the University of Missouri

For the administration and operation of the Missouri Institute of

Psychiatry

From General Revenue\$1,645,055

Section 7.240. To the University of Missouri

For the treatment of Renal Disease in a Statewide Program

From General Revenue\$1,882,600

**Section 7.250. To the Department of Higher Education
Operation**

From Federal Funds \$45,000
Effective July 1, 1977, the Department and programs referred to in Sections 7.010, 7.020, 7.030, 7.040, 7.050, 7.060, 7.070, 7.080, 7.090, 7.100, 7.110, 7.120, 7.130, 7.140, 7.150, 7.160, 7.170, 7.180, 7.190, 7.200, 7.210, 7.220, 7.230, 7.240, 7.250 shall provide the Appropriations Committees of the House of Representatives, Senate, and the Committee on State Fiscal Affairs with the following information on a monthly basis: Expenditures by account number assigned by the Office of Administration Division of Accounting, in The Chart of Accounts and Index for Fiscal Year 1978 Appropriations; federal fund expenditures by grant and purpose together with the Public Law number authorizing such expenditures and the grant identifier number; notification of termination of any federal grant and disposition of any FTE employed under such grant. In the event state funds are appropriated to match an anticipated federal grant and the grant is not made, such funds may not be used for other purposes. In the event federal funds are terminated during Federal Fiscal Year 1978, state funds appropriated to match such federal funds may not be used for other purposes and the state funds shall lapse.

Approved June 29, 1977.

(H. C. S. H. B. 8)

APPROPRIATIONS: General Assembly, Interim Committees, Legislative Research, State Fiscal Affairs, Commission on Interstate Cooperation, Committee on Administrative Rules.

AN ACT to appropriate money for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for the salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on State Fiscal Affairs, and for the Committee on Administrative Rules; and for the expenses of the interim committees established by the General Assembly, for the period beginning July 1, 1977 and ending June 30, 1978.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated for the period beginning July 1, 1977 and ending June 30, 1978, as follows:

Section 8.010. To the Senate

Salaries of Members	\$285,600
Mileage of Members	30,000
Senate Contingent Expenses	2,336,024
Senate Contingent Expenses, Appropriations Committee	119,477
Senate Per Diem	83,300
Joint Contingent Expenses	83,800

From General Revenue **\$2,938,201**

Section 8.020. To the House of Representatives

Salaries of Members	\$1,369,200
Mileage of Members	165,865
House Contingent Expenses	2,914,687

House Contingent Expenses, Appropriations Committee	123,134
House Per Diem	399,350
From General Revenue	<u>\$4,972,236</u>
Section 8.030. To the Missouri Commission on Interstate Cooperation	
For the payment of dues to the Council of State Governments and to the	
National Conference of State Legislatures and for the salaries of the	
secretary and clerks, purchasing supplies, travel within and	
without the state, insurance and premiums on bonds, joint	
conference costs, and other general expenses	
From General Revenue	\$91,290
Section 8.040. To the Committee on Legislative Research	
For payment of expenses of members, salaries and expenses of	
employees, and other necessary operating expenses	
From General Revenue (Includes 32 F.T.E.)	\$455,220
Section 8.050. To the Committee on Legislative Research	
For paper, printing, binding, editing, proofreading, and other	
necessary expenses of publishing the Supplement to the Revised	
Statutes of the State of Missouri	
From General Revenue	\$50,000
Section 8.060. To the Committee on State Fiscal Affairs	
For payment of expenses of members, salaries and expenses of	
employees, and other necessary operating expenses	
From General Revenue (Includes 12.5 F.T.E.)	\$224,706
Section 8.070. To the Committee on Administrative Rules	
For payment of salaries and expenses of employees, and other necessary	
operating expenses	
From General Revenue (Includes 2.66 F.T.E.)	\$52,800
Section 8.080. To the Interim Committees of the General Assembly	
For the following:	
Committee on Correctional Institutions and Problems	\$22,500
Commission on Atomic Energy	7,500
Commission on Local Governments	7,500
From General Revenue	<u>\$37,500</u>
Section 8.090. To the Missouri Tax Structure Study Committee	
For the payment of expenses of members, salaries and expenses of	
employees, and other necessary operating expenses	
From General Revenue	\$50,000
Approved June 29, 1977.	

[C. C. S. H. B. 10]

APPROPRIATIONS: Capital improvements.

AN ACT to appropriate money for capital improvements and other purposes for the several departments of state government, from the funds herein designated, for the period beginning July 1, 1977 and ending June 30, 1978.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund and for the

agency and for the purpose designated, for the period beginning July 1, 1977 and ending June 30, 1978.

Section 10.005. To the Department of Elementary and Secondary Education	
For the Missouri School for the Deaf	
For Physical Plant Improvements	
Safety Programs - Install automatic extinguishers in Rice Hall, Kitchen and Bakery	
Replacements - Replace outside wood doors on Tate, McKee and Kerr Halls with metal doors; replace overhead door on body shop	
Land Improvements - Blacktop playground area for Stark Hall and sidewalk construction	
Maintenance and Repairs - Replace sewer under Stark Hall kitchen; provide ventilation system for auditorium and gymnasium; replace insulation on steam lines; maintenance painting and patch plastering for Stark Hall; tuckpoint, caulk and waterproof auditorium, gymnasium, Kerr, Tate, McKee Halls	
Technical Services and Contingencies	
Total Physical Plant Improvements	\$90,546.46
For Additions, Renovations and Rehabilitation - Existing Structures	
Repairs and replacements to windows, entrances, roof and ceilings in Stark Hall	38,973.29
Representing expenditures originally authorized under the provisions of Section 9.010, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$129,519.75
Section 10.010. To the Department of Elementary and Secondary Education - Missouri School for the Blind	
For Physical Plant Improvements	
Tuckpoint and waterproof "Z" Dormitory, replace Collins Hall outside wooden doors, replace lead shower pans in three dormitories, "J", "K", "G" and renovate second floor, central wing	\$20,000.00
For New Structures - Land Acquisition	
Multi-Handicapped building and grounds, land acquisition, land improvements, construction, major fixed equipment and technical services	\$2,850,321.96
Representing expenditures originally authorized under the provisions of Section 9.015, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$2,870,321.96
Section 10.015. To the Department of Elementary and Secondary Education - State Schools for Severely Handicapped	
For Physical Plant Improvements	
General maintenance and repair of buildings, plumbing, heating, air conditioning, and electrical systems	\$42,096.12
For Additions, Renovations and Rehabilitation - Existing Structures	
For State School No. 36 - Hannibal	
A day school providing an educational program for severely handi-	

capped children: a six classroom addition to the six classrooms presently under construction	\$323,765.52
Representing expenditures originally authorized under the provisions of Section 9.020, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$365,861.64
Section 10.025. To the Office of Administration	
For the Division of Design and Construction	
For the Governor's Mansion - environmental control system - Phase 11	
Representing expenditures originally authorized under the provisions of Section 9.026, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$335,000.00
Section 10.030. To the Office of Administration	
For the Division of Design and Construction	
For office renovation and relocation - Capitol Building	
Representing expenditures originally authorized under the provisions of Section 9.027, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$46,791.32
Section 10.035. To the Office of Administration	
For the Division of Design and Construction	
For general repairs - Capitol Building	
Representing expenditures originally authorized under the provisions of Section 9.028, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$23,719.29
Section 10.040. To the Office of Administration	
For the Division of Design and Construction	
For utility cabinets for the Capitol Building	
Representing expenditures originally authorized under the provisions of Section 9.030, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$18,668.00
Section 10.045. To the Office of Administration	
For the Division of Design and Construction	
For Phase 11 construction of airconditioning system within the computer area of the Jefferson Building	
Representing expenditures originally authorized under the provisions of Section 9.035, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$12,453.15
Section 10.050. To the Office of Administration	
For the Division of Design and Construction	
For general repairs, air conditioning, heating systems, partitioning,	

electrical system: and provide for disassembling the steam absorption unit for re-tubing	
Representing expenditures originally authorized under the provisions of Section 9.045, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$26,965.95
Section 10.055. To the Office of Administration	
For the Division of Design and Construction	
For general maintenance and repairs of the Jefferson Bldg.	
Representing expenditures originally authorized under the provisions of Section 9.050, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$45,867.64
Section 10.060. To the Office of Administration	
For the Division of Design and Construction	
For general plastering, painting flooring, partitions, ceilings, lighting, wiring, and mechanical work for the Broadway Building	
Representing expenditures originally authorized under the provisions of Section 9.060, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$47,209.00
Section 10.065. To the Office of Administration	
For the Division of Design and Construction	
For mural and interior dome restoration, including plastering, painting and electrical repairs in dome area of the Capitol Building	
Representing expenditures originally authorized under the provision of Section 9.065, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$23,490.00
Section 10.070. To the Office of Administration	
For the Division of Design and Construction	
For Phase 11 construction of a central air conditioning system for the Capitol Building	
Representing expenditures originally authorized under the provision of Section 9.070, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$471,396.66
Section 10.075. To the Office of Administration	
For the Division of Design and Construction	
For planning necessary to determine the condition of the interior utility systems in the Supreme Court Building	
Representing expenditures originally authorized under the provision of Section 9.080, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$8,225.87

Section 10.085. To the Department of Agriculture

For the Missouri State Fair

For Physical Plant Improvements

Provide for a facilities and site evaluation, future planning study,
replace wiring and provide electrical distribution system \$59,490.55

For replacing wiring, provide electrical distribution systems, construct
restroom, insulate ceiling of Home Economics Building \$62,476.51

Total Physical Plant Improvements \$121,967.06

For New Structures - Land Acquisition

For construction of two new restroom facilities and purchase of Morton
Building \$36,793.13

Representing expenditures originally authorized under the provisions
of Section 9.090, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Revenue Sharing Trust Fund \$158,760.19

Section 10.090. To the Department of Conservation

For Conservation Commission Fund Projects

Representing expenditures originally authorized under the provisions
of Section 9.095, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Conservation Commission Fund \$1,362,986.16

**Section 10.100. To the Department of Consumer Affairs, Regulation
and Licensing**

For the Division of Tourism

For Tourist Information Center - Jackson County

Building Construction, major fixed equipment and moveable
equipment, Technical services and contingencies

(This appropriation is contingent upon the donation of the site from
Jackson County to the State of Missouri)

Representing expenditures originally authorized under the provisions
of Section 9.097, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Revenue Sharing Trust Fund \$279,437.50

Section 10.105. To the Department of Natural Resources

For the Division of Parks and Recreation

For Existing State Parks

For Physical Plant Improvements

For landscaping and reforestation \$24,451.75

For New Structures - Land Acquisition

For Revenue Bond Retirement \$82,021.56

For Additions, Renovations and Rehabilitation - Existing Structures

Repair and maintenance to existing facilities and structures by
painting, woodworking, masonry, earth work, plumbing,
wiring, heating and cooling repairs \$256,708.15

Repair and maintenance of existing asphalt and gravel roads and
parking lots by complete reconstruction; prime and level;
minimum patch; seal coat; grade and level; and regravels ... \$154,550.42

For acquisition of approximately 7 acres of land, with
improvements on the southwest boundary of Arrow Rock

Park	\$25,000.00
For acquisition of approximately 5 acres of land adjacent to the park entrance of Elephant Rock Park	\$5,000.00
For acquisition of property adjacent to Locust Creek bridge so that protection of the bridge and development of the site can occur	\$10,000.00
For improvements to the water system within Bollinger Mill Park, and addition of drinking fountains	\$39,996.75
For new water distribution system and replacement of a portion of the existing distribution lines in Crowder Park	\$40,000.00
For construction of a new modern rest room and sewage treatment in Knob Noster State Park	\$21,192.45
For construction of a new modern rest room in the picnic area of Meramec State Park	\$65,000.00
For land acquisition, renovation and development of the existing sewer system in St. Francois State Park	\$250,000.00
For extension of waterlines at Finger Lakes to areas of the park that have no present water source	\$40,000.00
For the restoration and improvement of the Felix Valie State Historic Site	\$149,000.00
For construction of two new duplex rental cabins at Roaring River State Park	\$30,151.53
For general campground improvements, addition of electrical hookups and development of a new modern rest room and sewage dump station at Trail of Tears State Park	\$172,981.00
For construction of a residence and service complex at the Harry S. Truman Reservoir	\$51,961.34
For construction of a new dining lodge at the Thousand Hills State Park	\$194,757.65
For restoration of a major portion of Watkins Woolen Mill	
For restoration of a major portion of Watkins Woolen Mill	\$50,000.00
For development of a new road into Arrow Rock State Park	\$25,000.00
For addition of electrical hookups in the new campground area of Bennet Spring State Park	\$10,000.00
For repairs to Bothwell Lodge and out-buildings	\$73,686.13
For initial construction of a general Day Use Facility at Ranken Reither Tract	\$56,068.80
For the development of a group camp at Mark Twain State Park	\$295,575.00
Total Additions, Renovations and Rehabilitation - Existing Structures	\$2,016,629.22
Representing expenditures originally authorized under the provisions of Section 9.105, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$955,115.44
From Land and Water Fund	\$746,792.08
From State Parks Earnings Fund	\$421,195.01
Total	\$2,123,102.53
Section 10.110. To the Department of Natural Resources	
For the Division of Parks and Recreation	
For New State Parks	

Representing expenditures originally authorized under the provisions of Section 9.106, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Land and Water Fund	\$1,000,000.00
From State Parks Earnings Fund	\$997,782.15
Total	\$1,997,782.15

Section 10.115. To the Department of Natural Resources

For the Division of Parks and Recreation

Preparation of a museum layout plan and operation program for use in the Capitol Museum

Representing expenditures originally authorized under the provisions of Section 9.110, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund	\$20,000.00
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Section 10.120. To the Department of Natural Resources

For the Division of Parks and Recreation

For Capitol Complex

For landscaping; repairs to wall, fence and walkway

Representing expenditures originally authorized under the provisions of Section 9.115, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund	\$25,000.00
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Section 10.125. To the Department of Natural Resources

For Edmund A. Babler Memorial Park

For Physical Plan Improvements

General repair and maintenance to roads and parking lots

Representing expenditures originally authorized under the provision of Section 9.120, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Babler Trust Fund	\$20,000.00
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Section 10.130. To the Department of Natural Resources

For New State Parks

For the St. Joe State Park

Planning and Capital Improvements

Representing expenditures originally authorized under the provisions of Section 9.126, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund	\$105,882.33
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Section 10.135. To the Department of Public Safety

For the Missouri State Highway Patrol

For New Structures and Land Acquisition

For General Headquarters Expansion	\$2,939,272.42
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For New Troop "H" Headquarters-St. Joseph	\$966,800.00
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For New garage at Troop "I"-Rolla	\$42,560.00
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Total New Structures and Land Acquisition	\$3,948,632.42
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For Physical Plant Improvements	
For general maintenance and repair	
Troop "B"-Macon	\$6,000.00
For general maintenance and repair	
Troop "C"-Kirkwood	\$22,364.40
For general maintenance and repair	
Troop "A"-Lee Summit	\$3,300.00
Supplemental Funds for the Regional Crime Laboratory-Macon,	
Missouri	\$2,707.59
Total Physical Plant Improvements	\$34,371.99
For building renovations and additions	
For radio garage addition at Troop "F" Jefferson City	\$18,891.41
Representing expenditures originally authorized under the provisions	
of Section 9.130, Conference Committee Substitute No. 2 for House	
Bill 1009, an Act of the 78th General Assembly, Second Regular	
Session	
From the State Highway Department Fund	\$4,001,895.82
Section 10.140. To the Department of Public Safety	
For the Adjutant General	
For Maintenance, Repair and Alteration	
Albany Armory	
Exterior and Interior Repairs	\$8,900.00
Anderson Armory	
Exterior and Interior Repairs	\$7,244.00
Bernie Armory	
Exterior and Interior Repairs	\$11,807.00
Cape Girardeau Armory	
Exterior and Interior Repairs	\$8,000.00
Carthage Armory	
Exterior and Interior Repairs	\$2,749.92
Chillicothe Armory	
Exterior and Interior Repairs and Fuel Tank	\$28,000.00
Clinton Armory	
Exterior and Interior Repairs and Electric Service	\$4,000.00
Doniphan Armory	
Exterior and Interior Repairs	\$8,500.00
Farmington Armory	
Exterior and Interior Repairs	\$6,000.00
Fredericktown Armory	
Exterior and Interior Repairs	\$5,000.00
Fulton Armory	
Exterior and Interior Repairs and Utility Repair and	
Alteration	\$16,357.64
Independence Armory	
Exterior and Interior Repairs	\$9,000.00
Jackson Armory	
Exterior and Interior Repairs	\$15,300.00
Jefferson Barracks (Air National Guard Building)	
Exterior and Interior Repairs	\$7,000.00
Jefferson City Armory and State Arsenal	
Exterior and Interior Repairs	\$12,000.00
Kenneth Armory	

APPROPRIATIONS

99

Exterior and Interior Repairs.....	\$16,000.00
Kirksville Armory	
Exterior and Interior Repairs and Fuel Tank.....	\$12,000.00
Neosho Armory	
Exterior and Interior Repairs and Utility Repair and Alteration.....	\$8,000.00
Nevada Armory	
Exterior and Interior Repairs.....	\$10,000.00
Perryville Armory	
Exterior and Interior Repairs.....	\$3,000.00
Pierce City Armory	
Exterior and Interior Repairs.....	\$10,000.00
Poplar Bluff Armory	
Exterior and Interior Repairs.....	\$10,000.00
Portageville Armory	
Exterior and Interior Repairs.....	\$8,000.00
St. Clair Armory	
Exterior and Interior Repairs.....	\$3,000.00
St. Joseph-Rosecrans Field (Air National Guard Buildings)	
Exterior and Interior Repairs.....	\$2,883.00
St. Joseph Armory	
Exterior and Interior Repairs.....	\$6,000.00
St. Louis-Lambert Field (Air National Guard Buildings)	
Exterior and Interior Repairs.....	\$8,500.00
Sikeston Armory	
Exterior and Interior Repairs.....	\$5,000.00
Warrensburg Armory	
Exterior and Interior Repairs.....	\$17,705.00
Warrenton Armory	
Exterior and Interior Repairs.....	\$10,247.90
West Plains Armory	
Electrical Repair and Alteration.....	\$1,500.00
Caruthersville Armory	
Exterior and Interior Repairs.....	\$6,000.00
Total Maintenance, Repair and Alteration.....	\$287,644.46
For Building Renovation and Additions	
Cape Girardeau Armory	
Building Addition.....	\$10,000.00
Jefferson Barracks	
Building 29	
Exterior and Interior Renovation.....	\$40,000.00
Building 78	
Exterior and Interior Renovation.....	\$65,000.00
Entire Base Area	
Renovation and Repair of sanitary and Storm sewer lines ..	\$80,000.00
Building 48	
Exterior and Interior Renovation.....	\$45,000.00
Kansas City Armory (Ozark)	
Interior Renovation.....	\$6,000.00
Total Building Renovation and Additions.....	\$246,000.00
Contingencies and Technical Services.....	\$33,987.00
Representing Expenditures originally authorized under the provisions	

of Section 9.135, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From General Revenue	\$50,000.00
From Revenue Sharing Trust Fund	\$517,631.46
Total	\$567,631.46

Section 10.145. To the Department of Mental Health

For the Central Office

For Title XIX compliance

Higginsville State School and Hospital	\$261,072.00
Nevada State School and Hospital	6,051,877.21
Marshall State School and Hospital	2,708,907.63

(Includes \$187,200 for planning the Education Therapy
Building)

St. Louis State Hospital	305,223.70
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Representing expenditures originally authorized under the provisions
of Section 9.140, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Federal (Program Improvement) Funds	\$9,327,080.54
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Section 10.150. To the Department of Mental Health

For Farmington State Hospital

For Physical Plant Improvements

Demolish slaughter house and barn and install security screens and fence	19,588.00
Improve patients' living areas	92,619.25

Total Physical Plant Improvements	\$112,207.25
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For Additions, Renovations and Rehabilitation - Existing Structures

Air condition patients' cottages	112,000.00
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Representing expenditures originally authorized under the provisions
of Section 9.145, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Revenue Sharing Trust Fund	\$224,207.25
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Section 10.155. To the Department of Mental Health

For Fulton State Hospital

For Physical Plant Improvements

Replace fire mains and condensate lines	90,785.00
Fire and safety improvements in Geriatrics Build- ings I and II	59,047.80
Replace air conditioning unit and renovate bathrooms	82,971.70

Total Physical Plant Improvements	\$232,804.50
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For Additions, Renovations and Rehabilitation - Existing Structures

Renovation of heating systems - Acute Hospital and Clinic	251,087.95
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Representing expenditures originally authorized under the provisions
of Section 9.150, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Revenue Sharing Trust Fund	\$483,892.45
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Section 10.160. To the Department of Mental Health

For St. Joseph State Hospital

For Physical Plant Improvements

Replace fire hydrants, valves, sewer, water heater and tuckpoint and bond powerhouse chimney ..	\$89,588.64
Replace steam and water valves, water lines and steam lines	90,052.09
Condensate return line	20,088.85
Replace roofs, insulation and flashing	87,167.50
General repair, mechanical and electrical work - dining rooms # 1 and 2	46,923.00
Repair asphalt parking lots	40,520.00
Central Air and Climate Control for Medical Surgical Building	234,939.43

Representing expenditures originally authorized under the provisions
of Section 9.155, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Revenue Sharing Trust Fund\$609,279.51

Section 10.165. To the Department of Mental Health

For St. Louis State Hospital

For Physical Plant Improvements

Install evacuation ramps and manual fire alarms ..	\$65,903.22
Replace fire escape stair assemblies	89,485.90
Install sprinkler system and alarm system and adequate fencing	84,929.75
Replace warehouse roof	16,819.59
Replace heating supply line	47,522.33
Update electrical system	93,695.37
Update plumbing system	93,571.70
Repair and replacements to masonry, concrete and asphalt paved areas	61,829.73

Total Physical Plant Improvements\$553,757.64

For Additions, Renovations and Rehabilitation -

Existing Structures

Replace and renovate elevators - Main Hospital

Building\$198,395.08

Install air conditioning - Main Hospital Building ..\$191,267.67

Total Additions, Renovations and Rehabilitation - Existing

Structures\$389,662.75

For New Structures - Land Acquisition

Construction vehicle garage\$116,932.77

Representing expenditures originally authorized under the provisions
of Section 9.160, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Revenue Sharing Trust Fund\$1,060,353.16

Section 10.170. To the Department of Mental Health

For Malcolm Bliss Mental Health Center

For Physical Plant Improvements

Install fire extinguishing systems and sprinklers ..	\$90,100.18
Update safety programs, and Replacements	92,787.93
Safety programs, Maintenance/Replacements and	
Repair	93,463.14
General Maintenance and Repair	19,473.40
Install central temperature control system	29,711.10
Utility revision - heating and cooling distribution ..	81,247.30
Representing expenditures originally authorized under the provisions	
of Section 9.165, Conference Committee Substitute No. 2 for House	
Bill 1009, an Act of the 78th General Assembly, Second Regular	
Session	
From Revenue Sharing Trust Fund	\$406,783.05
Section 10.175. To the Department of Mental Health	
For Mid-Missouri Mental Health Center	
For Physical Plant Improvements	
Install safety/security equipment and sprinklers ...	\$26,901.37
Repair west entry, air conditioning and air handling	
equipment	23,196.77
Representing expenditures originally authorized under the provisions	
of Section 9.170, Conference Committee Substitute No. 2 for House	
Bill 1009, an Act of the 78th General Assembly, Second Regular	
Session	
From Revenue Sharing Trust Fund	\$50,098.14
Section 10.180. To the Department of Mental Health	
For Western Missouri Mental Health Center	
For Physical Plant Improvements	
Complete South Building air conditioning	
system	\$82,688.64
Replace window frames - East and West Wings	37,739.57
Install storm water sewer and resurface parking	
area	26,004.10
Renovation - second and third floor of South Building	
(PRC)	14,207.48
Total Physical Plant Improvements	\$160,639.79
For Additions, Renovations and Rehabilitation - Existing Structures	
Renovate South Building (PRC) - Phase IV	254,978.33
Representing expenditures originally authorized under the provisions	
of Section 9.175, Conference Committee Substitute No. 2 for House	
Bill 1009, an Act of the 78th General Assembly, Second Regular	
Session	
From Revenue Sharing Trust Fund	\$415,618.12
Section 10.185. To the Department of Mental Health	
For Higginsville State School and Hospital	
For Additions, Renovations and Rehabilitation - Existing Structures	
Install air conditioning - "C" Cottage	
Representing expenditures originally authorized under the provisions	
of Section 9.180, Conference Committee Substitute No. 2 for House	
Bill 1009, an Act of the 78th General Assembly, Second Regular	
Session	
From Revenue Sharing Trust Fund	\$98,219.52

Section 10.190. To the Department of Mental Health**For Marshall State School and Hospital****For Physical Plant Improvements**

Repair and replace fire and safety equipment \$74,887.16

Demolition of disposal plant and new roof - "K" Building 50,324.53

New roof - kitchen and dining room 25,593.76

Privacy curtains in ward areas 26,713.76

Total Physical Plant Improvements \$177,519.21**For Additions, Renovations and Rehabilitation -****Existing Structures**

Update Electrical System \$212,210.84

Redesign and renovate "J" Building \$283,656.09

Total Additions, Renovations and Rehabilitation - Existing**Structures \$495,866.93**

Representing expenditures originally authorized under the provisions of Section 9.185, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund \$673,386.14**Section 10.195. To the Department of Mental Health****For Nevada State School and Hospital****For Physical Plant Improvements**

New roofs on Administration Building, Auditorium, and "B" Wing of Section II - Repair roofs on various sections and buildings \$71,103.15

Tuckpointing and waterproofing - Section IV 56,844.05

Renovation of old Laundry Building 56,767.25

Resurface and seal roads 7,616.95

Total Physical Plant Improvements \$192,331.40**For Additions, Renovations and Rehabilitation -****Existing Structures**

Electrical Renovations - Phase IV \$282,571.55

Total Additions, Renovations and Rehabilitations - Existing**Structures \$282,571.55**

Representing expenditures originally authorized under the provisions of Section 9.190, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund \$474,902.95**Section 10.200. To the Department of Mental Health****For St. Louis State School and Hospital****For Physical Plant Improvements**

Upgrade telephone system and renovate lighting system \$61,111.60

Replace power plant equipment 39,718.54

Replace bath tubs with showers 20,381.64

Replace porch and steps with ramps - Kiel School . 42,336.55

Renovate Pinchhitter's Building 58,223.36

Repair roofs - various buildings 55,982.76

Floor tile - Sheltered Workshop and Central Dietary Building	6,072.69
Astroturf - Elliott Building Playgrounds	63,117.57
Total Physical Plant Improvements	\$346,944.71
For additions, Renovations and Rehabilitation - Existing Structures	
Renovate 26 buildings for Title XIX Compliance	\$331,635.75
Replace steam and steam return lines	107,089.88
Renovate electrical system	264,913.43
Widen and repair streets and curbs	115,696.39
Replace air conditioning - Elliott Building	105,746.30
Total Additions, Renovation and Rehabilitation - Existing Structures	\$925,081.75
Representing expenditures originally authorized under the provisions of Section 9.195, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	940,390.71
From Federal (Program Improvement) Funds	331,635.75
Total	\$1,272,026.46
Section 10.205. To the Department of Social Services	
For the Division of Health - Missouri State Chest Hospital	
For Physical Plant Improvements	
Renovation of Exit Lights and emergency paging system	\$53,583.30
Seal windows and tuckpointing - Hearn's Building	26,707.75
Replace refrigeration compressors and Phase II of street and parking improvements	21,785.75
Infirmary Building renovation	38,565.15
Total Physical Plant Improvements	\$140,641.95
For Additions, Renovations and Rehabilitation - Existing Structures	
One house and furnishing for resident doctors	\$57,932.25
Total Additions, Renovations & Rehabilitation - Existing Structures	\$57,932.25
Representing expenditures originally authorized under the provisions of Section 9.250, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$198,574.20
Section 10.210. To the Department of Social Services	
For the Division of Veterans Affairs - State/Federal Soldiers' Home	
For Physical Plant Improvements	
Install standby electric generating plant	\$10,080.00
Install chain link security fence along Highway 144	16,000.00
Install storm sewer, curbing, guttering and sidewalks, and resurface street and parking area	55,203.00
Total Physical Plant Improvements	\$81,283.00

Representing expenditures originally authorized under the provisions of Section 9.260, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund	\$65,283.00
From State Highway Department Fund	16,000.00
Total	<u>\$81,283.00</u>

Section 10.215. To the Department of Social Services

For the Division of Veterans Affairs - State/Federal Soldiers' Home
For planning and construction of a Dietary Kitchen and Dining Room
Representing expenditures originally authorized under the provisions of Section 9.262, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund	\$849,044.70
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Section 10.220. To the Department of Social Services

For the Division of Corrections - Central Office

For Physical Plant Improvements

Upgrade sewage disposal systems - statewide Phase

II	<u>\$111,714.35</u>
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From Revenue Sharing Trust Fund	\$111,714.35
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Section 10.225. To the Department of Social Services

For the Division of Corrections - Missouri State Penitentiary for Men

For Physical Plant Improvements

Install new ice machines and refrigeration units .. \$193,855.95

Central air conditioning - Administration Building

and Hospital - Phase II	<u>219,182.50</u>
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Total Physical Plant Improvements	<u>\$413,038.45</u>
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Representing expenditures originally authorized under the provisions of Section 9.270, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund	\$413,038.45
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Section 10.230. To the Department of Social Services

For the Division of Corrections - Church Farm

For Physical Plant Improvements

Smokestack demolition, tuckpointing, and building repair

Representing expenditures originally authorized under the provisions of Section 9.275, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund	\$75,000.00
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Section 10.235. To the Department of Social Services

For the Division of Corrections - Renz Farm

For Physical Plant Improvements

Renovate electrical system

Representing expenditures originally authorized under the provisions of Section 9.280, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund \$47,153.23

Section 10.245. To the Department of Social Services

For the Division of Youth Services - Training School for Girls,
Chillicothe

For Physical Plant Improvements

Installation of fire and safety equipment \$26,548.84

Replace windows - Hyde School 31,180.71

Revamp gymnasium - Hyde School 15,988.38

Revamp utility systems in Donnelly and Blair
cottages and air condition Blair and Stark

Cottages 94,225.45

Total Physical Plant Improvements \$167,943.38

Representing expenditures originally authorized under the provisions
of Section 9.295, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Revenue Sharing Trust Fund \$167,943.38

Section 10.250. To the Department of Social Services

For the Division of Youth Services - W. E. Sears Youth Center

For Physical Plant Improvements

Installation of fire and safety equipment \$3,920.00

Blacktopping of hardcourt, parking areas and streets,
and general repairs to existing structures 2,977.13

Total Physical Plant Improvements \$6,897.13

For Additions, Repairs and Replacements - Phase II Dormitory W. E.

Sears Youth Center 142,338.90

Representing expenditures originally authorized under the provisions
of Section 9.300, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Revenue Sharing Trust Fund \$149,236.03

Section 10.255. To the Department of Social Services

For the Division of Youth Services

Training School for Boys, Boonville

For Physical Plant Improvements

Update and improve existing structures \$14,455.24

Install new dearator in power plant 46,410.59

Representing expenditures originally authorized under the provisions
of Section 9.305, Conference Committee Substitute No. 2 for House
Bill 1009, an Act of the 78th General Assembly, Second Regular
Session

From Revenue Sharing Trust Fund \$60,865.83

Section 10.260. To the Department of Social Services

For the Division of Youth Services - Hogan Street Youth Center, St.
Louis

For Physical Plant Improvements

General repairs including ground maintenance, electrical system,
plumbing system and temperature control system

Representing expenditures originally authorized under the provisions
of Section 9.310, Conference Committee Substitute No. 2 for House

Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$16,461.64
Section 10.265. To the Curators of the University of Missouri	
For the Columbia Campus	
For Physical Plant Improvements	\$568,980.16
For New Structures	
For construction of a Nursing Training Facility	\$3,256,252.54
For Additions, Renovations and Rehabilitation	
For Agriculture Experiment Station and Greenley Farm	<u>\$183,687.50</u>
Representing expenditures originally authorized under the provisions of Section 9.315, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$4,008,920.20
Section 10.270. To the Curators of the University of Missouri	
For the St. Louis Campus	
For Physical Plant Improvements	\$138,050.00
For Renovation, Repair and Equipping the property formerly known as Marillac College	
	<u>415,526.81</u>
Representing expenditures originally authorized under the provisions of Section 9.320, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$553,576.81
Section 10.275. To the Curators of the University of Missouri	
For the Rolla Campus	
For Physical Plant Improvements	
Representing expenditures originally authorized under the provisions of Section 9.325, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$164,700.00
Section 10.280. To the Curators of the University of Missouri	
For the Kansas City Campus	
For Physical Plant Improvements	\$160,906.52
For New Structures - Land Acquisition	
For construction of a Law School	<u>5,865,347.80</u>
Representing expenditures originally authorized under the provisions of Section 9.330, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$6,026,254.32
Section 10.285. To the Board of Regents - Southwest Missouri State University	
For Physical Plant Improvements	\$228,970.92
For Additions, Renovations and Rehabilitation - Existing Structures	
Complete Remodeling of Carrington Hall	457,000.00
For planning and feasibility study of a new library	<u>\$29,490.55</u>

Representing expenditures originally authorized under the provisions of Section 9.335, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund\$715,461.47

Section 10.290. To the Board of Regents - Southeast Missouri State University

For Physical Plant Improvements

Representing expenditures originally authorized under the provisions of Section 9.345, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund\$121,874.13

Section 10.295. To the Board of Regents - Northeast Missouri State University

For Physical Plant Improvements

For Additions, Renovations and Rehabilitation - Existing Structures
Complete remodeling of Baldwin Hall

Representing expenditures originally authorized under the provisions of Section 9.350, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund\$278,701.97

Section 10.300. To the Board of Regents - Northwest Missouri State University

For Physical Plant Improvements\$67,428.34

For Additions, Renovations and Rehabilitation - Existing Structures
Remodel Administration Building - Phase II 320,936.38

Representing expenditures originally authorized under the provisions of Section 9.355, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund\$388,364.72

Section 10.305. To the Curators of Lincoln University

For Physical Plant Improvements\$234,608.72

For Additions, Renovations and Rehabilitation -

Existing Structures

Rib stone silo complete with silage unloader and
automatic feed conveyor 16,500.00

Utility Distribution System - Phase II of IV Phase
program 499,010.00

Total Additions, Renovations and Rehabilitation -

Existing Structures 515,510.00

Representing expenditures originally authorized under the Provisions of Section 9.370, Conference Committee Substitute No. 2 for House Bill 1009, and Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund\$750,118.72

Section 10.310. To the Department of Elementary and Secondary Education

For State Schools for Retarded

School No. 6-31, Raytown-Hickman Mills	\$12,516.27
School No. 9, Clay-Platte Counties	173,229.48
School No. 49-38, Sikeston-Charleston	
Land acquisition, land improvement, building construction, major fixed equipment, moveable Equipment, and technical services and contingencies	115,838.01
School No. 36, Hannibal	
Land acquisition, land improvement, building construction, moveable equipment, and technical services and contingencies .	32,714.94
School No. 40, Union	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment, and technical services and contingencies	33,383.74
Representing expenditures originally authorized under the provisions of Section 9.010, Conference Committee Substitute for House Bill 1009, an Act of the 77th General Assembly, Second Regular Session	
State School No. 1 Building - Springfield	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment, and technical services and contingencies	218,817.35
State School No. 7 Building - St. Charles	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment, and technical services and contingencies	823,292.41
State School No. 11 Building - Cape Girardeau	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment and technical services and contingencies	568,837.62
State School No. 48 Building - Joplin	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment, and technical services and contingencies	185,515.57
State School No. 70 Building - St. Louis	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment and technical services and contingencies	1,335,392.80
Representing expenditures originally authorized under the provisions of Section 9.010, Conference Committee Substitute for House Bill 1009, an Act of the 77th General Assembly, Second Regular Session, and Section 9.010, Conference Committee Substitute for House Bill 9, an Act of the 78th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$3,499,538.19
Section 10.315. To the Department of Elementary and Secondary Education	
For the Missouri School for the Deaf	
Renovation of Primary Unit	\$3,718.71
Representing expenditures originally authorized under the provisions of Section 9.020, Conference Committee Substitute for House Bill 9, an Act of the 77th General Assembly, First Regular Session, and expenditures originally authorized under the provisions of Section 9.020, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session	
For Physical Plant Improvements	

General Renovation and Repair	11,887.37
For Additions, Renovations and Rehabilitation - Existing Structures	
Renovation of Primary Buildings	36,796.32
Representing expenditures originally authorized under the provisions of Section 9.015, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$52,402.40
Section 10.320. To the Office of Administration	
For a study of acquiring State Office Building - Springfield, and for the acquisition of an option for the purchase or lease of such a building if such is directed by the Board of Public Buildings	\$2,956.27
Representing expenditures originally authorized under Section 9.025, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
For the Capitol Building	
Physical Plant Improvements: Plastering and painting throughout the building; cleaning and tuckpointing and repair of interior marble; and replacement of lifting system for Rotunda Chandelier; repairs to ceiling of Senate Chambers	
Additions, Renovation and Rehabilitation:	
Replace flat roofs, repair or replace skylights, exterior stone replacement, window repair or replacement, exterior dome and building renovation (Phase IV), and technical services and contingencies. Central air conditioning, restroom renovation, separation of storm and sanitary sewers (Phase II), new transformer banks (Phase I), and technical services and contingencies	187,151.64
For the Jefferson Building	
Physical Plant Improvements: Repair glaze tile walls in all restroom areas, paint elevator lobbies and air condition computer space	
Additions, Renovation and Rehabilitation:	
Additional convenience outlets for all floors, upgrading light and power requirements on all floors, fire control detection system, repair two 450-ton air conditioning units, upgrading lighting and providing drop ceilings for two floors, elevator modernization and technical services and contingencies	29,246.55
For the Broadway Building	
Physical Plant Improvements: Repair loading dock, trash receiver and alleyway, repair of automatic front doors, interior painting and tuckpointing (Phase I), and relocation and reassignment of office space	
Additions, Renovation and Rehabilitation:	
Electrical renovation (Phase I), extension and replacement of air condition (Phase I), and replacement of fire alarm system	21,851.57
For the Capitol Center Master Plan	
For study of the realignment of Broadway Street and Riverfront Drive, traffic distribution survey, and options for land acquisition, including surveys, appraisals, soil boring, etc. for the area south of the Supreme Court and Broadway Buildings	15,280.18
Representing expenditures originally authorized under the provisions of Section 9.040, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular	

Session

From Revenue Sharing Trust Fund\$256,486.21

Section 10.325. To the Board of Public Buildings

To acquire land for future development of State-owned facilities\$148,147.00

Representing expenditures originally authorized under the provisions of Section 9.041, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session
Representing expenditures originally authorized under the provisions of Section 9.965, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session

For planning and investigation of a State Office facility in Mid-Town St. Louis located within an area bounding by Theresa on the East; Lindell on the South; Spring on the West; and Delmar on the North 1,528.38

Representing expenditures originally authorized under the provisions of Section 16.372, Conference Committee Substitute for House Bill No. 16, an Act of the 78th General Assembly, First Regular Session
Acquisition and Site Improvements - Wainwright Complex 168,646.51

Representing expenditures originally authorized under the provisions of Section 9.070, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund\$318,321.89

For a health laborator and an electronic data processing facility for the Department of Social Services

From funds paid into the State Treasury under the "Medicare" and "Medicaid" provisions of the Social Security Act and from funds from the federal government paid into the State Treasury pursuant to Public Law 91-296 known and cited as the Medical Facilities Construction and Modernization Amendments of 1970

Representing expenditures originally authorized under the provisions of Section 16.290, Conference Committee Substitute for House Bill 16, an Act of the 78th General Assembly, First Regular Session

From Federal Funds\$2,066,296.49

Total\$2,384,618.38

Section 10.330. To the Adjutant General**Contingencies and Technical Services**

Representing expenditures originally authorized under the provisions of Section 9.080, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session

From Revenue Sharing Trust Fund\$27,996.88

Section 10.335. To the Department of Highways

For construction of District Office garage and vehicle storage buildings at Hannibal, technical services and contingencies

Representing expenditures originally authorized under the provisions of Section 9.120, Conference Committee Substitute for House Bill No. 1009, an Act of the 76th General Assembly, Second Regular Session

From Highway Department Fund\$1,312,764.08

Section 10.350. To the Department of Natural Resources

Construct camp sites at Lewis and Clark (35) and at Rock Bridge (100)

Representing expenditures originally authorized under the provisions of Section 9.155, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund\$289,016.38

Section 10.355. To the Department of Natural Resources

For the State Park System

Construction of new camp sites at Watkins Mill (100), Arrow Rock (13), and Hermitage (35) \$61,195.04

Development of Day Use Facilities at Hahn, Johnson's Shut Ins, Knob Noster, Meramec, Pomme de Terre, Roaring River, Rock Bridge and Stockton 244,684.33

Construction of Rental Cabins and concession units at Bennett Springs, Meramec, Roaring River, Sam A. Baker, Thousand Hills and Washington 168,362.60

Representing expenditures originally authorized under the provisions of Section 9.150, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session

From State Park Earnings Fund 87,406.08

From Land and Water Fund 386,835.89

Total\$474,241.97

Section 10.360. To the Department of Natural Resources

For the State Park System

For land acquisition and development; to accept gifts and bequests

Representing expenditures originally authorized under the provisions of Section 9.165, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session

From State Park Earnings Fund\$249,635.17

From Land and Water Fund 292,792.44

Total\$542,427.61

Section 10.365. To the Department of Natural Resources

For the Division of Parks and Recreation

For Existing State Park Systems

Campground Development, Outdoor Education and Interpretation, Historic Sites, Day Use Facilities, Buildings and Support Facilities, Concession Program and Land Acquisition 551,113.76

From Land and Water Fund 413,811.40

From State Park Earnings Fund 137,302.36

Representing expenditures originally authorized under the provisions of Section 9.060, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session

Total\$551,113.76

Section 10.370. To the Department of Natural Resources

For the Division of Parks and Recreation

For New State Parks

Acquisition and Development of new state park areas, which shall include acquisition and development of the Mastodon Park in Jefferson County

From Land and Water Fund 615,438.00

From State Park Earnings Fund 758,959.87

Representing expenditures originally authorized under the provisions of Section 9.065, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session

Total \$1,374,397.87

Section 10.375. To the Department of Natural Resources

For Edmund A. Babler Memorial Park

For Physical Plant Improvements

General repair and maintenance to roads and parking lots, enlarge existing stable and related facilities, construct a bicycle trail both along the circumventing road of the park and cross country, remodel two restrooms, buildings 29 and 33

Representing expenditures originally authorized under the provisions of Section 9.070, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session

From Babler Trust Fund \$65,246.20

Section 10.380. To the Department of Natural Resources

For the Division of Environmental Quality

For control of water pollution through construction of sewage treatment facilities by any county, municipality, sewer district or combination and for construction of wastewater treatment facilities and all costs of preparing and selling the bonds

Representing expenditures originally authorized under the provisions of Section 16.400, Conference Committee Substitute for House Bill No. 1016, an Act of the 77th General Assembly, Second Regular Session and provisions of Section 6.215, Conference Committee Substitute for House Bill No. 6, an Act of the 77th General Assembly, First Regular Session and provisions of Section 16.175, Conference Committee Substitute for House Bill No. 16, an Act of the 78th General Assembly, First Regular Session and provisions of Section 16.160, Conference Committee Substitute for House Bill No. 1016, an Act of the 78th General Assembly, Second Regular Session

From Water Pollution Control Fund \$41,652,956.13

Section 10.385. To the Department of Natural Resources

For the Division of Environmental Quality

Grants to legally organized public water supply districts \$286,305.00

Grants to cities, towns and villages for sewer construction 642,300.00

Representing expenditures originally authorized under the provisions of Section 6.165, Conference Committee Substitute for House Bill No. 6, an Act of the 77th General Assembly, First Regular Session, and provisions of Section 6.150, Conference Committee Substitute for House Bill No. 1006, an Act of the 77th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund \$928,605.00

Section 10.390. To the Department of Natural Resources

For the Division of Environmental Quality

Grants to legally organized public water supply districts 1,447,500.00

For grants to cities, towns, and villages for sewer construction 402,018.25

Representing expenditures originally authorized under the provisions
of Section 4.680, Conference Committee Substitute 2 for House Bill
4, an Act of the 78th General Assembly, First Regular Session

From Revenue Sharing Trust Fund \$1,849,518.25

Section 10.395. To the Department of Social Services

For the Division of Corrections

For Physical Plant Improvements - Updating Sewage Disposal
Systems - Central Emergency Repairs

From Revenue Sharing Trust Fund \$106,124.48

For New Structures - Land Acquisition - Dairy Parlor, Holding Area,
Milking Equipment and Lagoon

From Working Capital Revolving Fund 170,558.95

Representing expenditures originally authorized under the provisions
of Section 9.200, Conference Committee Substitute for House Bill
No. 9, an Act of the 78th General Assembly, First Regular SessionFor study to establish a Central Missouri Maximum Correctional
Facility in accordance with the plans of Hunter and Hunter
Associates, dated July 17, 1972. Included in the project are
dormitory facilities, kitchen and dining rooms, hospital,
gymnasium and administrative quarters and security installations

From Revenue Sharing Trust Fund 9,900.10

Representing expenditures originally authorized under the provisions
of Section 16.268, Conference Committee Substitute for House Bill
No. 16, an Act of the 78th General Assembly, First Regular Session

Total \$286,583.53

Section 10.400. To the Department of Social Services

For the Division of Youth Services

Planning funds for two new high security regional training centers in
the Kansas City and St. Louis Metropolitan Areas \$20,907.50Representing expenditures originally authorized under the provisions
of Section 9.220, Conference Committee Substitute for House Bill
No. 9, and Act of the 77th General Assembly, First Regular Session

For Physical Plant Improvements

State Training School for Girls, State Training School for Boys and W.
E. Sears Youth Center 95,155.58Representing expenditures originally authorized under the provisions
of Section 9.205, Conference Committee Substitute for House Bill
No. 9, an Act of the 78th General Assembly, First Regular Session

From Revenue Sharing Trust Fund \$116,063.08

Section 10.405. To the Department of Social Services

For the Division of Health

For the Missouri State Chest Hospital

Physical Plant Improvements -

Sprinkle System, smoke detection system, grab bars; replace steam
coils; renovate staff housing; replace roof on Administration
Building; install 25,000 gallon fuel tank, clean and seal stone;
technical services and contingencies \$158,595.68

Representing expenditures originally authorized under the provisions of Section 9.390, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session	
For Additions, Renovations and Rehabilitation - Existing Structures	
Replace Two High Pressure Boilers	100,506.15
Representing expenditures originally authorized under the provisions of Section 9.185, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$259,101.83
Section 10.410. To the Department of Mental Health	
For Fulton State Hospital	
For Physical Plant Improvements -	
Fire and Safety - Utility Systems, Maintenance and Repairs, Furnishings and Equipment	
Representing expenditures originally authorized under the provisions of Section 9.090, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$91,464.29
Section 10.415. To the Department of Mental Health	
For Farmington State Hospital	
Additions, Renovations and Rehabilitation - Existing Structures -	
Install Sprinkler system in the Hall Building, Old Acute Hospital and Annexes, Receiving Building, Infirmary Building and Drum Building; technical services and contingencies	
Representing expenditures originally authorized under the provisions of Section 9.240, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$228,998.51
Section 10.420. To the Department of Mental Health	
For St. Louis State Hospital	
Juvenile Treatment Center	\$243,071.24
Convert or Repair Boiler System	98,534.35
Representing expenditures originally authorized under the provisions of Section 9.290, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session	
Construction of a new water tank	174,935.62
Representing expenditures originally authorized under the provisions of Section 16.315, Conference Committee Substitute for House Bill No. 16, an Act of the 78th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$516,541.21
Section 10.425. To the Department of Mental Health	
For Marshall State School and Hospital	
Construct Group Homes for the Developmentally Disabled	\$1,036,450.44
Representing expenditures originally authorized under the provisions of Section 9.310, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session, and Section 9.270, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular	

Session, and Section 9.125, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
Additions, Renovations and Rehabilitation - Existing Structures	
Power Plant (Electrical)	105,647.40
Fire and Safety	41,528.10
Representing expenditures originally authorized under the provisions of Section 9.125, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$1,183,625.94
Section 10.430. To the Department of Mental Health	
For St. Louis State School and Hospital	
Construct Group Homes for the Developmentally Disabled	
Representing expenditures originally authorized under the provisions of Section 9.320, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session, and expenditures originally authorized under the provisions of Section 16.250, Conference Committee Substitute for House Bill No. 1016, an Act of the 77th General Assembly, Second Regular Session, and Section 9.280, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session, and Section 9.135, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$2,051,891.97
Section 10.435. To the Department of Mental Health	
For Malcolm Bliss Mental Health Center	
For Land Acquisition and Improvement	
Representing expenditures originally authorized under the provisions of Section 9.261, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$22,970.60
Section 10.440. To the Curators of the University of Missouri	
Veterinary Medicine Complex - Columbia	\$412,042.91
For Music Conservatory and Performing Arts Center at Kansas City contingent upon receipt of \$3,000,000 in donations	4,862,094.22
Representing expenditures originally authorized under the provisions of Section 9.420, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session	
For Additions, Renovations and Rehabilitation - Existing Structures	
Columbia Campus - University Hospital - Addition of an external corridor of the out-patient clinic and associated renovation; replace and upgrade lighting, floor covering, ceiling tile	
Rolla Campus - Chilled Water Distribution	469,063.01
Representing expenditures originally authorized under the provisions of Section 9.210, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	47,784.21
From Revenue Sharing Trust Fund	\$5,790,984.35
Section 10.445. To Lincoln University	
Physical Plant Improvements	\$6,968.55

Representing expenditures originally authorized under the provisions of Section 9.430, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session	
Utility Systems (General), Safety Programs, Maintenance/Repairs, Furnishings and Technical Services and Design and Phase 1 Construction - Utility Distribution System	296,719.23
For Additions, Renovations and Rehabilitation - Existing Structures Remodel and Renovate Jason Hall	550,702.40
Representing expenditures originally authorized under the provisions of Section 9.250, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$854,390.18
Section 10.450. To Northeast Missouri State University	
For Replacement, Rehabilitation and Remodeling	\$78,806.04
Representing expenditures originally authorized under the provisions of Section 9.500, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session	
Construct Administration - Classroom Building	487,440.90
Representing expenditures originally authorized under the provisions of Section 9.450, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$566,246.94
Section 10.455. To the Office of Administration	
For general physical plant improvements and for planning environmental control system - Governor's Mansion	\$58,839.87
For repair of the retaining wall behind the Supreme Court Building	27,581.04
Representing expenditures originally authorized under the provision of Section 16.083 and 16.084, Conference Committee Substitute for House Bill No. 1016, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$86,420.91
Section 10.460. To the Committee on State Fiscal Affairs	
For Renovations of existing office complex	
Representing expenditures authorized under the provisions of Section 16.300, Conference Committee Substitute for House Bill No. 1016, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$48,424.60
Section 10.465. To the Department of Natural Resources	
For acquisition and improvement of the Thomas Hart Benton Home	
Representing expenditures originally authorized under provisions of Section 16.355, Conference Committee Substitute for House Bill No. 1016, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$54,688.68
Section 10.470. To the Department of Social Services	
For the Division of Corrections - Correctional Center for Women (Renovation and Construction)	

Representing expenditures authorized under the provisions of Section 16.270, Conference Committee Substitute for House Bill No. 1016, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$39,234.32
Section 10.480. To the Department of Social Services	
For the Division of Youth Services - Training School for Girls	
Repairs, replacements and additions to existing facilities	\$49,298.25
Elimination of fire hazards and safety improvements	24,918.42
Representing expenditures originally authorized under the provisions of Section 9.230, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$74,216.67
Section 10.485. To the Department of Mental Health	
For the Division of Mental Retardation and Developmental Disabilities - Nevada State School and Hospital (Power Plant Replacement)	
Representing expenditures originally authorized under the provisions of Section 16.200, Conference Committee Substitute for House Bill No. 1016, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund	\$23,670.77
Section 10.490. To the Department of Transportation	
For the Missouri - St. Louis Metropolitan Airport Authority	
For purchase of land for a new major airport near the St. Louis Metropolitan Area in the State of Missouri. This appropriation shall not become effective until approval of a Missouri airport site by the Federal Aviation Administration	
Representing expenditures originally authorized under the provisions of Section 16.930, Senate Committee Substitute for House Bill No. 1016, an Act of the 76th General Assembly, Second Regular Session	
From General Revenue	\$1,725,000.00
Section 10.495. To the Adjutant General	
For Armory security improvements	
Representing expenditures originally authorized under the provisions of Section 16.300, Conference Committee Substitute for House Bill No. 16, an Act of the 78th General Assembly, First Regular Session	
From General Revenue	\$20,623.17
Section 10.500. To the Department of Natural Resources	
For New State Parks	
Representing expenditures originally authorized under the provisions of Section 9.065, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session	
From General Revenue	\$24,364.41
Section 10.505. To the Department of Natural Resources	
For the Clean Water Commission	
For grants for the control of storm water in St. Louis County; for those areas in St. Louis County under the control and jurisdiction of the Metropolitan Sewer District on a matching basis with funds from the Metropolitan Sewer District, the federal government political subdivisions of the state, or from any other source which may be	

available, with the state's share being no more than one-third the total cost of any project; and for those areas in St. Louis County not under the control and jurisdiction of the Metropolitan Sewer District, to be matched by funds from other sewer districts, the federal government, political subdivisions of the state, or from any other source which may be available, with the state's share being no more than one-third the total cost of any project; provided that all projects which are to utilize state funds are certified by the St. Louis County Council to the Director of Natural Resources so as to assure uniformity of effort in alleviating the problem of storm water within St. Louis County

Representing expenditures originally authorized under the provisions of Section 4.395, Conference Committee Substitute for House Bill No. 1004, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund\$500,000.00

Section 10.510. To the Department of Natural Resources

For grants to legally organized public water supply districts \$1,500,000.00

For grants to cities, towns and villages for sewer construction 1,334,322.50

Representing expenditures originally authorized under the provisions of Section 4.901, Conference Committee Substitute for House Bill No. 1004, an Act of the 78th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund \$2,834,322.50

Section 10.515. To the Department of Transportation

For Capital Improvement Grant under Section 16(b)(2) of the Urban Mass Transportation Act of 1964 as amended to assist private, non-profit organizations in improving public transportation for the state's elderly and handicapped

Representing expenditures originally authorized under the provisions of Section 4.993, Conference Committee Substitute for House Bill No. 1004, an Act of the 78th General Assembly, Second Regular Session

From Federal Funds \$1,092,490.00

Section 10.520. To the Department of Agriculture

For the Missouri State Fair

For Capital Improvements

Representing expenditures originally authorized under the provisions of Section 16.220, Conference Committee Substitute for House Bill No. 16, an Act of the 79th General Assembly, First Regular Session

From General Revenue \$16,000.00

Section 10.525. To the Department of Mental Health

For Community Mental Health and Mental Retardation Construction

St. Francis Community Mental Health Center - Cape Girardeau \$87,480.00

Mark Twain Mental Health Center - Hannibal 215,326.00

Kansas City Regional Diagnostic Center 16,166.00

For Contingencies as Construction Progresses 36,028.00

Representing expenditures originally authorized under the provisions of Section 16.540, Conference Committee Substitute for House Bill No. 16, an Act of the 79th General Assembly, First Regular Session

From Federal Funds	\$355,000.00
Section 10.530. To the Department of Natural Resources	
For the Division of Parks and Recreation	
For update of the Lee C. Fine master plan	\$15,000.00
For repair and replacement of existing facilities at the Lee C. Fine Airport	85,000.00
Representing expenditures originally authorized under the provisions of Section 16.330, Conference Committee Substitute for House Bill No. 16, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$100,000.00
Section 10.535. To the Department of Social Services	
For the Division of Health	
For Laboratory Equipment and Moving Expenses	
For Laboratory Equipment	\$496,000.00
For Moving Expenses	4,000.00
Representing expenditures originally authorized under the provisions of Section 16.620, Conference Committee Substitute for House Bill No. 16, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$500,000.00
Section 10.540. To the Department of Social Services	
For the Division of Health - State Cancer Commission - Ellis Fischal Cancer Hospital	
For purchase and installation of x-ray treatment simulator	
Representing expenditure originally authorized under the provisions of Section 16.655, Conference Committee Substitute for House Bill No. 16, an Act of the 79th General Assembly, First Regular Session	
From Federal (Program Improvement) Funds	\$180,000.00
Section 10.545. To the Department of Social Services	
For the Division of Corrections	
Renovation of cold storage unit at the Missouri State Penitentiary	
Representing expenditures originally authorized under the provisions of Section 16.820, Conference Committee Substitute for House Bill 16, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund	\$117,000.00
Section 10.550. To the Department of Transportation	
All allotments, grants and contributions of funds from the federal government or from any other source which may be received and deposited in the State Treasury for the use of the Department of Transportation.	
Representing expenditures authorized under the provisions of Section 4.770, Conference Committee Substitute for House Bill No. 4, an Act of the 78th General Assembly, First Regular Session	
From Federal Funds and Other Sources	\$134,000.00
Section 10.555. To the Department of Transportation	
For Grant under Section 5 of the National Mass Transportation Assistance Act of 1974 for funds for small urbanized areas	\$2,300,000.00
For Grant from the U.S. Department of Transportation for rail planning, research and primarily rail service preservation projects	2,850,000.00
Representing expenditures originally authorized under the provisions	

of Section 4.993, Conference Committee Substitute for House Bill
No. 1004, an Act of the 78th General Assembly, Second Regular
Session

From Federal Funds \$5,150,000.00

Approved June 29, 1977.

[C. C. S. H. B. 16]

APPROPRIATIONS: Emergency and supplemental payments to state departments and agencies.

AN ACT to appropriate money for emergency and supplemental purposes for the several departments and officers of state government, and for the payment of various claims for refunds for persons, firms and corporations, and for other purposes, from the funds designated for the fiscal period ending June 30, 1977, and for prior years.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated for the fiscal period ending June 30, 1977, and for prior years.

Section 16.010. To the Department of Elementary and Secondary
Education

For distribution of funds received from the federal government under
provisions of the Elementary and Secondary Education Act

From Federal Funds \$5,000,000

Section 16.020. To the Department of Revenue

For the Division of Administration

Operation

From State Highway Department Fund \$246,800

Section 16.025. To the Department of Revenue

For the State Tax Commission

Operation

From General Revenue \$10,500

Section 16.030. To the Department of Revenue

For paying refunds for overpayment or erroneous payment of any tax
which is credited to General Revenue

From General Revenue \$9,945,000

Section 16.040. To the State Auditor

Operation

From General Revenue \$25,000

Section 16.050. To the Secretary of State

For expenses of initiative referendum and constitutional amendments

From General Revenue \$8,523

Section 16.060. To the State Treasurer

For the payment of outstanding checks

From General Revenue \$10

Section 16.070. To the Supreme Court

For expenses of the Judicial Conference

From General Revenue	\$11,592
Section 16.080. To the Public Defender Commission	
For public defenders	\$108,114
For appointed counsel payments	400,707
From General Revenue	<u>\$508,821</u>
Section 16.090. To the Supreme Court	
For benefits of retired judges and beneficiaries	
From General Revenue	\$325,000
Section 16.100. To the Supreme Court	
For compensation of court reporters	
From General Revenue	\$5,632
Section 16.110. To the Supreme Court	
For compensation and expenses of magistrate and probate judges and compensation of magistrate clerks	
From General Revenue	\$372,226
Section 16.120. To the Office of Administration	
For Flight Operations Operation	
From Office of Administration Revolving Administrative Trust Fund	\$20,000
Section 16.130. To the Office of Administration	
To pay the claims approved by the county courts for the payment of the costs in criminal cases, except payment of attorneys' fee and for the transportation of convicted criminals to the state penitentiaries as well as the costs for reimbursement of the expenses associated with extradition	
From General Revenue	\$1,044,965
Section 16.140. To the Office of Administration	
To pay the several counties of Missouri the amount that has been paid into the General Revenue fund by the United States Treasury as a refund from the lease of flood control lands, under the provisions of an act of congress, approved June 28, 1938, and to be distributed to certain counties in Missouri in accordance with the provisions of state law	
From General Revenue	\$82,745
Section 16.150. To the Office of Administration	
All sums from whatever source received, or so much as may be neces- sary for payment of the State's contribution to the Missouri State Employees' Retirement System	
From the State Retirement Contributions Fund	\$1,200,000
Section 16.160. To the Office of Administration	
For apportionment to the several counties and the City of St. Louis all amounts accruing to the General Revenue fund from the County Foreign Insurance Tax	
From General Revenue	\$773,470
Section 16.170. To the Office of Administration	
For apportionment to the several counties and the City of St. Louis all amounts accruing to the General Revenue fund from the County Stock Insurance Tax	

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From General Revenue	\$118,889
Section 16.180. To the Office of Administration	
For reimbursing the Division of Employment Security benefit account for claims paid to state employees under provisions of Chapter 288 RSMo Cum. Supp. 1973	
From General Revenue	\$850,000
Section 16.190. To the Office of Administration	
For apportionment to the several counties and the City of St. Louis all amounts accruing to the General Revenue fund from the County Private Car Tax	
From General Revenue	\$90,000
Section 16.200. To the Office of Administration	
For reimbursement to the Office of Administration for the purchase of automobile, watercraft, and aircraft liability insurance for state agencies Operation	
From the Conservation Commission Fund	\$22,238
From State Highway Fund	21,781
Total	<u>\$44,019</u>
Section 16.220. To the Department of Agriculture	
For the Missouri State Fair	
For Capital Improvements	
From General Revenue	\$16,000
Section 16.230. To the Department of Consumer Affairs, Regulation and Licensing	
For Departmental Administrative Services Operation	
From General Revenue	\$17,500
Section 16.240. To the Department of Consumer Affairs, Regulation and Licensing	
For the State Board of Accountancy Operation	
From the State Board of Accountancy Fund	\$6,764
Section 16.250. To the Department of Consumer Affairs, Regulation and Licensing	
For the Missouri Real Estate Commission Operation	
From the Missouri Real Estate Commission Fund	\$48,875
Section 16.260. To the Department of Highways	
For full funding of the highway employees' retirement plan	
From State Highway Department Fund	\$2,902,105
Section 16.270. To the Department of Labor and Industrial Relations	
For the Division of Employment Security Personal Service, Equipment Purchase and Repair	
From the Unemployment Compensation Administration Fund	\$1,706,588
Section 16.280. To the Department of Labor and Industrial Relations	
For the Division of Workmen's Compensation Operation	

From Federal Funds	\$8,500
From the Workmen's Compensation Fund	50,000
Total	<u>\$58,500</u>
Section 16.290. To the Department of Natural Resources	
For the Division of Geology and Land Survey	
Personal Service	
From General Revenue	\$8,003
Section 16.300. To the Department of Natural Resources	
For the Division of Geology and Land Survey	
For the inventory of strippable tar sands in Western Missouri	
From Federal Funds	<u>\$35,207</u>
Section 16.310. There is transferred out of the State Treasury,	
chargeable to the State Parks Earnings Fund, to the State Parks	
Building Fund	
From the State Parks Earnings Fund	\$1,661.78
Section 16.320. There is transferred out of the State Treasury,	
chargeable to the State Park Building Fund, to the Big Lake Rev-	
enue Bond Fund	
From the State Park Building Fund	<u>\$25,115.10</u>
Section 16.330. To the Department of Natural Resources	
For the Division of Parks and Recreation	
For update of the Lee C. Fine master plan	\$15,000
For repair and replacement of existing facilities at the Lee C. Fine Air-	
port	<u>85,000</u>
From Revenue Sharing Trust Fund	<u>\$100,000</u>
Section 16.340. To the Department of Natural Resources	
For the Division of Parks and Recreation - Parks and Historic Sites	
Operation	
From General Revenue	\$129,904
Section 16.350. To the Department of Public Safety	
For the Missouri State Highway Patrol	
Personal Service to implement Senate Bill 688 and House Bill 1211	
of the 78th General Assembly relating to salary increases and	
retirement contributions	
From State Highway Department Fund	<u>\$1,710,449</u>
Section 16.360. To the Department of Public Safety	
For the State Highway Patrol for the purpose of refunding unused	
motor vehicle inspection stickers	
From State Highway Department Fund	<u>\$5,000</u>
Section 16.370. To the Department of Public Safety	
For the Division of Water Safety	
To purchase and repair safety marker buoys and other equipment to	
mark hazardous areas in the Lake of the Ozarks	
From General Revenue	<u>\$14,348</u>
Section 16.380. To the Department of Public Safety	
For the Adjutant General	
Operation to pay increased utility bills	
From General Revenue	<u>\$70,439</u>

Section 16.390. To the Department of Transportation	
For grants to not-for-profit transporters of the elderly and handicapped, as provided by law	
From General Revenue	\$167,247
Section 16.410. To the Department of Mental Health	
For the Office of Director	
Operation	
From General Revenue	\$1,000
From Federal Funds	\$80,000
Total	\$81,000
Section 16.420. To the Department of Mental Health	
For the St. Louis State Hospital	
Operation	
From General Revenue	\$54,000
Section 16.440. To the Department of Mental Health	
For the St. Louis State Hospital	
To fund ongoing federal projects relating to education, vocational education and drug abuse	
Personal Service	\$94,016
Equipment Purchase and Repair	1,750
Operation	89,996
From Federal Funds	\$185,762
In the event any federal monies are decreased during Federal Fiscal Year 1977, state funds used to match federal funds shall decrease by the same percentage; in the event federal funds are terminated during Federal Fiscal Year 1977, state monies shall not be used to continue funding and all employees under the terminated federal program shall be terminated from employment	
Section 16.480. To the Department of Mental Health	
For Joplin Regional Center for Developmentally Disabled	
Equipment Purchase and Repair	
From Federal (Program Improvement) Funds	\$11,791
Section 16.490. To the Department of Mental Health	
For the Patient Placement Program	
From General Revenue	\$2,207,328
Section 16.500. To the Department of Mental Health	
For the refund of unused federal Title I monies	
From Federal Funds	\$26,051
Section 16.510. To the Department of Mental Health	
For Drug Abuse Formula and Treatment Grants	
For Kansas City Midtown Treatment Center and Phoenix Outpatient Treatment Center	\$221,000
For St. Louis Narcotics Service Council (outpatient, residential, detox service, program education, and monitoring and training for all drug treatment projects)	330,082
From Federal Funds	\$551,082
Section 16.520. To the Department of Mental Health	
For refunds to counties under the provisions of House Bill 1023, an Act	

of the 78th General Assembly	
From General Revenue	\$23,776
Section 16.530. To the Department of Mental Health	
For Developmental Disabilities Formula Grants	
From Federal Funds	\$500,000
Section 16.540. To the Department of Mental Health	
For Community Mental Health and Mental Retardation Construction	
St. Francis Community Mental Health Center - Cape Girardeau	\$87,480
Mark Twain Mental Health Center - Hannibal	215,326
Kansas City Regional Diagnostic Center - Kansas City	16,166
For Contingencies as Construction Progresses	36,028
From Federal Funds	\$355,000
Section 16.550. To the Department of Social Services	
For the Division of Special Services - Office of Aging	
For Annual Office Rental Costs	
From General Revenue	\$4,050
From Federal Funds	12,150
Total	\$16,200
Section 16.560. To the Department of Social Services	
For the Division of Special Services - Office of Manpower Planning	
For Title I of the Comprehensive Employment and Training Act of 1973 as amended	\$500,000
For Title III of the Comprehensive Employment and Training Act of 1973 as amended	2,000,000
For Title VI of the Comprehensive Employment and Training Act of 1973 as amended	2,000,000
From Federal Funds	\$4,500,000
Section 16.580. To the Department of Social Services	
For the Division of Health	
Hospital and Technical Services	
For payment ending June 30, 1977	
Personal Service	\$51,811
Operation	33,935
From Federal Funds	\$85,746
Section 16.610. To the Department of Social Services	
For the Division of Health	
Maternal and Child Health	
Equipment Purchase and Repair	
From Federal Funds	\$20,000
In the event any federal monies are decreased during Federal Fiscal Year 1977, state funds used to match federal funds shall decrease by the same percentage; in the event federal funds are terminated during Federal Fiscal Year 1977, state monies shall not be used to continue funding and all employees under the terminated federal program shall be terminated from employment	
Section 16.620. To the Department of Social Services	
For the Division of Health	
For Laboratory Equipment and Moving Expenses	
For Laboratory Equipment	\$496,000

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For Moving Expenses	4,000
From Revenue Sharing Trust Fund	\$500,000
Section 16.630. To the Department of Social Services	
For the Division of Health	
For Crippled Children's Service	
From Federal Funds	\$920,170
Section 16.640. To the Department of Social Services	
For the Division of Health - State Cancer Commission - Ellis Fischel Cancer Hospital	
Operation	
From General Revenue	\$77,223
Section 16.650. To the Department of Social Services	
For the Division of Health - State Cancer Commission - Ellis Fischel Cancer Hospital	
From Cancer Hospital Fund	\$25,000
Section 16.655. To the Department of Social Services	
For the Division of Health - State Cancer Commission - Ellis Fischel Cancer Hospital	
For purchase and installation of x-ray treatment simulator	
From Federal (Program Improvement) Funds	\$180,000
Section 16.660. To the Department of Social Services	
For the Division of Health	
For Maternal and Child Health Special Projects only on a contractual basis	
From Federal Funds	\$611,560
Section 16.670. To the Department of Social Services	
For the Division of Health	
Payments to hospitals for TB charity patients	
From General Revenue	\$198,000
Section 16.680. To the Department of Social Services	
For the Division of Family Services	
For Family Planning	
From Federal Funds	\$536,558
Section 16.700. To the Department of Social Services	
For the Division of Family Services	
General Administration	
Operation	
From General Revenue	\$381,235
From Federal Funds	548,924
Total	\$930,159
Section 16.710. To the Department of Social Services	
For the Division of Family Services	
Aid to Dependent Children	
From Federal Funds	\$500,000
Section 16.720. To the Department of Social Services	
For the Division of Family Services	
For supplementation payments to aged, blind, or disabled persons	
From General Revenue	\$898,919

From Blind Pension Fund	1,491,051
Total	\$2,389,970
Section 16.730. To the Department of Social Services	
For the Division of Family Services	
Aid or relief in case of public calamity, direct relief of unemployable persons, and payment of relief orders	
From General Revenue	\$466,156
Section 16.740. To the Department of Social Services	
For the Division of Family Services	
For the payment of blind pensions	
From the Blind Pension Fund	\$204,407
Section 16.750. To the Department of Social Services	
For the Division of Family Services	
Nursing care payments to aged, blind, or disabled persons	
From General Revenue	\$2,380,445
From Anti-Recession Fiscal Assistance Fund	1,394,373
Total	\$3,774,818
Section 16.760. To the Department of Social Services	
For the Division of Family Services	
For ICF - MR Long-Term Care Benefits under Title XIX of the Social Security Act	
From Federal Funds	\$3,518,345
Section 16.770. To the Department of Social Services	
For the Division of Family Services	
Purchase of day care for children	
From Federal Funds	\$1,125,558
Section 16.810. To the Department of Social Services	
For the Division of Veterans Affairs	
For the State Federal Soldiers' Home	
Personal Service	\$4,962
Equipment Purchase and Repair	32,000
From State Federal Soldiers' Home Fund	\$36,962
Section 16.820. To the Department of Social Services	
For the Division of Corrections	
Renovation of cold storage unit at the Missouri State Penitentiary	
From Revenue Sharing Trust Fund	\$117,000
Section 16.830. To the Department of Social Services	
For the Division of Corrections	
Operation	
From General Revenue	\$817,855
Equipment Purchase and Repair	
From Federal Funds	\$33,100
Equipment Purchase and Repair	60,000
Operation	142,037
From Working Capital Revolving Fund	202,037
Total	\$1,052,992
Section 16.835. To The Department of Social Services	
For the Division of Corrections	

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For payments to halfway houses	
From General Revenue	\$109,800
Section 16.840. To the Department of Higher Education	
For Student Grants	
From Federal Funds	\$40,000
Section 16.860. To the Department of Higher Education	
For the implementation of House Bill 1021 of the 78th General Assembly	
From General Revenue	\$5,000
Section 16.870. To the University of Missouri	
For the treatment of renal diseases in a statewide program	
From General Revenue	\$215,000
Section 16.880. To the General Assembly	
For the Joint Committee on Administrative Rules	
Personal Service	\$14,000
Equipment Purchase and Repair	3,000
Operation	3,750
From General Revenue	\$20,750
Section 16.895. To the Department of Revenue	
For the Highway Reciprocity Commission	
Personal Service	
From the State Highway Department Fund	\$5,118
Section 16.900. To the Department of Transportation	
For the Missouri - St. Louis Metropolitan Airport Authority Operation	
From General Revenue	\$75,000
Section 16.910. To the Department of Mental Health	
For increased operation - increased utility cost.	
Farmington State Hospital	\$59,090
Fulton State Hospital	\$171,689
St. Joseph State Hospital	\$77,000
Higginsville State Hospital	\$36,361
Marshall State School - Hospital	\$50,636
St. Louis State School - Hospital	\$43,106
St. Louis State Hospital	\$164,029
From General Revenue	\$601,911

Approved May 18, 1977.

[S. B. 419]

LAWS AND STATUTES: Committee on Legislative Research.

AN ACT to repeal section 3.140, RSMo Supp. 1976, and sections 23.070, 23.080, 23.090, 23.100, 23.110, 23.120, 23.130, and 23.140, RSMo 1969, relating to the committee on legislative research, and to enact in lieu thereof eight new sections relating to the same subject.

SECTION

- A. Enacting Clause.
- 3.140. Sale of revised statutes, procedure for—cost, how determined—order blanks to circuit clerks.
- 3.145. Temporary laws, how printed.
- 23.070. Committee on Legislative Research, officers how selected—director, duties of meetings, when held, quorum, number required for.
- 23.080. Director, how employed, compensation, qualifications—other employees authorized—library, expenditures for authorized.

SECTION

- 23.090. Legislative Library and other space under control of Committee on Legislative Research.
1. Senate Accounts Committee to control use of certain space and equipment in Capitol.
 2. House Accounts Committee to control use of certain space and equipment in Capitol building.
 3. Legislative furniture and equipment, how inventoried—employment of custodians authorized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Section 3.140, RSMo Supp. 1976, and sections 23.070, 23.080, 23.090, 23.100, 23.110, 23.120, 23.130, and 23.140, RSMo 1969, are repealed and eight new sections are enacted in lieu thereof, to be known as sections 3.140, 3.145, 23.070, 23.080, 23.090, section 1, section 2, and section 3, to read as follows:

3.140. Sale of revised statutes, procedure for—cost, how determined—order blanks to circuit clerks.—1. The committee on legislative research may, through the revisor of statutes, sell copies of the revised statutes of Missouri, and any supplement or edition of pocket parts thereto, not required by this chapter to be distributed without charge, at a price to be determined by the committee, taking into account the cost of printing and binding, including the cost of delivery, and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.

2. The revisor of statutes shall also supply to the clerk of the circuit court of each county order blanks in a number sufficient to meet the public demand. The blanks may be used by the public to order copies which shall be sold by the committee as provided in subsection 1.

3.145. Temporary laws, how printed.—The committee on legislative research, through the revisor of statutes, shall cause all temporary laws to be printed in the revised statutes, and all supplements, with the termination date clearly shown. Appropriation bills shall not be printed.

23.070. Committee on Legislative Research, officers how selected—director, duties of—meetings, when held, quorum, number required for.—The committee on legislative research shall meet within ten days after its creation and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and one of whom shall be a member of the house of representatives. The director shall serve as secretary to the committee on legislative research. He shall keep the records of the committee and be subject to the jurisdiction and order of the committee during the vacation or recess of the general assembly. The regular meeting place of the committee shall be in Jefferson City, Missouri, and after its inception and organization it shall regularly meet at least once every three months. A majority of the members of the committee shall constitute a quorum. Special meetings of the committee may be called at such time and place within the state as the chairman thereof designates.

23.080. Director, how employed, compensation, qualifications—other employees authorized—library, expenditures for authorized.—1. The committee may regularly employ and fix the compensation of a director who is competent to assume administration of the necessary activities of the committee under the direction of the committee. The committee may also employ other attorneys, research assistants, clerks and other persons as it deems necessary within the limits of the appropriation made therefor to carry out the provisions of this chapter or to provide assistance for the members and committees of the general assembly. All employees of the committee shall be under the supervision of the director, and he shall, as directed by the committee, assign and supervise all work projects of the employees and keep all necessary personnel records for the employees.

2. The committee may provide necessary legal reports and other publications to be kept in the library of the committee and pay for same out of any appropriations made to the committee. The secretary of state and the revisor of statutes shall furnish the librarian, without charge, the number of Missouri statutes and session laws as is desired by the committee to enable it to exchange the statutes and session laws for those of other states.

23.090. Legislative Library and other space under control of Committee on Legislative Research.—The committee on legislative research has charge and control of the legislative library and all other space within the capitol assigned to it.

Section 1. Senate Accounts Committee to control use of certain space and equipment in Capitol.—The senate chamber, the senate committee rooms, the offices of the members of the senate on the third and fourth floors of the state capitol building and all other rooms and offices of the state capitol building designed for or assigned by the board of public buildings to the use of the members and officers of the senate, and all furniture, equipment and supplies therein, are reserved for the exclusive use of the members and officers of the senate. These rooms, together with the furniture, equipment and supplies therein, are in direct charge and control of the senate accounts committee. No use of any of said quarters other than by the senate, its members or officers shall be made except with the written consent of the senator or officer occupying the office rooms and upon the order of the accounts committee.

Section 2. House Accounts Committee to control use of certain space and equipment in Capitol building.—The house chamber, the house committee rooms, the offices of the members of the house on the third and fourth floors of the state capitol building and all other rooms and offices of the state capitol building designed for or assigned by the board of public buildings to the use of the members and officers of the house, and all furniture, equipment and supplies therein, are reserved for the exclusive use of the members and officers of the house of representatives. These rooms, together with the furniture, equipment and supplies therein, are in direct charge and control of the house accounts committee. No use of any of said quarters other than by the house of representatives, its members or officers shall be made except with the written consent of the representative or officer occupying the office rooms and upon the order of the accounts committee.

Section 3. Legislative furniture and equipment, how inventoried—employment of custodians authorized.—The senate accounts committee and house accounts committee shall cause all legislative furniture and equipment in their respective custody to be marked so that it can be identified for inventory and to protect the furniture and equipment. Each committee shall maintain an inventory of all furniture and equipment and may employ necessary custodians and janitors to keep their respective legislative quarters, furniture and equipment in good condition.

Approved July 15, 1977.

(H. B. 519)

LEGISLATIVE BRANCH: Compensation of members of the General Assembly.

AN ACT to repeal section 21.140, RSMo Supp. 1975, relating to compensation of members of the general assembly and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

21.140 Compensation of members—additional compensation of officers—mileage allowance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 21.140, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 21.140, to read as follows:

21.140. Compensation of members—additional compensation of officers—mileage allowance.—Senators and representatives shall receive from the treasury as salary the sum of fifteen thousand dollars per year. The speaker of the house and the president pro-tem of the senate shall each receive as additional annual compensation the amount of two thousand five hundred dollars, and the speaker pro-tem of the house, the majority and minority floor leaders of the house and senate shall each receive as additional annual compensation the amount of one thousand five hundred dollars. Upon certification by the president and secretary of the senate and by the speaker and clerk of the house of representatives as to the respective members thereof, the commissioner of administration shall audit and the state treasurer shall pay such compensation in equal monthly payments. Senators and representatives shall receive, weekly, a mileage allowance as provided by law for state employees, in going to their place of meeting in Jefferson City from their place of residence, and returning from their place of meeting in Jefferson City to their place of residence while the legislature is in session, on the most usual route, if the senator or representative does travel to Jefferson City during that week.

Approved June 1, 1977.

(S. B. 372)

LEGISLATIVE BRANCH: Daily expense allowance for state senators and representatives.

AN ACT to repeal section 21.145, RSMo Supp. 1975, relating to the daily expense allowance for state senators and representatives, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

21.145. Members daily expense allowance—when paid.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 21.145, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 21.145, to read as follows:

21.145. Members daily expense allowance—when paid.—Each senator or representative shall be reimbursed from the state treasury for actual and necessary expenses in the amount of thirty-five dollars per day for each day on which the journal of the senate or house, respectively, shows the presence of such senator or representative. Upon certification by the president and secretary of the senate and by the speaker and

chief clerk of the house of representatives as to the respective members thereof, the commissioner of administration shall approve and the state treasurer shall pay monthly such expense allowance.

Approved July 6, 1977.

[H. B. 520]

EXECUTIVE BRANCH: Salaries of certain elected state officers.

AN ACT to repeal sections 26.010, 27.010, 29.010 and 30.010, RSMo 1969, and section 28.010, RSMo supp. 1975, relating to salaries of certain elected state officers, and to enact in lieu thereof five new sections relating to the same subject.

SECTION

1. Enacting clause.
- 26.010. Salaries of Governor and Lieutenant Governor.
- 27.010. Attorney General, election—term of office—compensation.

SECTION

- 28.010. Salary of Secretary of State.
- 29.010. Salary of Auditor.
- 30.010. Salary of Treasurer.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 26.010, 27.010, 29.010 and 30.010, RSMo 1969, and section 28.010, RSMo Supp. 1975 are repealed and five new sections enacted in lieu thereof, to be known as sections 26.010, 27.010, 28.010, 29.010 and 30.010, to read as follows:

26.010. Salaries of Governor and Lieutenant Governor.—As total compensation for all duties to be performed by them, the governor shall receive an annual salary of fifty-five thousand dollars and the lieutenant governor shall receive an annual salary of thirty thousand dollars, to be paid at the times and in the manner provided by law; except that during the time the lieutenant governor shall act as governor, he shall receive the same salary as the governor and during such time the salary of the lieutenant governor as herein fixed shall abate.

27.010. Attorney General, election—term of office—compensation.—The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his term shall commence on the second Monday in January next succeeding his election, and shall continue for four years, or until his successor is elected and qualified. The attorney general shall reside at the seat of government and keep his office in the supreme court building, and receive a salary of forty-five thousand dollars per year, payable monthly out of the State treasury. Said salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payments made to or accepted by him for the performance of any duty now required of him under any existing law. The attorney general shall devote his full time to his office, and, except in the performance of his official duties, shall not engage in the practice of law.

28.010. Salary of Secretary of State.—The secretary of state shall receive a salary of forty-two thousand five hundred dollars per year, payable monthly out of the state treasury as full compensation for all duties to be performed by him.

29.010. Salary of Auditor.—The state auditor shall receive an annual salary of forty-two thousand five hundred dollars, to be paid at the time and in the manner provided by law. The said salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payments made to or accepted by him for the performance of any duty now required of him under any existing law.

30.010. Salary of Treasurer.—The state treasurer shall receive an annual salary of forty-two thousand five hundred dollars, to be paid at the time and in the manner provided by law. The said salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payment made to or accepted by him for the performance of any duty now required of him under any existing law.

Approved June 1, 1977.

[H. C. S. H. B. 493 and 458]

EXECUTIVE BRANCH: Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor and Treasurer.

AN ACT to amend chapter 26, RSMo, relating to the governor and lieutenant governor; chapter 27, RSMo, relating to the attorney general; chapter 28, RSMo, relating to the secretary of state; chapter 29, RSMo, relating to the auditor; and chapter 30, RSMo, relating to the treasurer.

SECTION

1. Amending clause.
- 26.215. Transition funds and facilities for Governor and Lieutenant Governor.
- 26.220. Governor and Lieutenant Governor, transition period defined.
- 26.225. Transition facilities to be provided for Governor and Lieutenant Governor.
2. Amending clause.
- 27.090. Transition funds and facilities for Attorney General, when provided.
- 27.095. Attorney General's transition period defined.
- 27.100. Facilities to be provided for Attorney General.
3. Amending clause.
- 28.300. Transition funds for Secretary of State, when.
- 28.305. Secretary of State's transition period defined.

SECTION

- 28.310. Transition facilities to be provided for Secretary of State.
4. Amending clause.
- 29.400. Transition funds and facilities for Auditor.
- 29.405. Auditor's transition period defined.
- 29.410. Transition facilities to be provided for Auditor.
5. Amending clause.
- 30.500. Transition funds and facilities for Treasurer.
- 30.505. Treasurer's transition period defined.
- 30.510. Transition facilities to be provided for Treasurer.
6. Officer elect, how determined for certain purposes—expenditure of transition funds not invalidated, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Amending clause.—Chapter 26, RSMo, is amended by adding thereto three new sections to be known as sections 26.215, 26.220, and 26.225, to read as follows:

26.215. Transition funds and facilities for Governor and Lieutenant Governor.—1. In each year in which a governor or lieutenant governor of this state is elected and the governor or the lieutenant governor so elected is not the incumbent at the time of the election, funds and facilities for that governor-elect and lieutenant governor-elect, to be used by each of them in preparing an orderly transition of administrations, shall be provided.

2. The legislature shall appropriate to the commissioner of administration funds to be used only for the purpose of these transitions and to be expended during the transition period, but in no event shall the amount so appropriated exceed one hundred thousand dollars for the governor-elect and five thousand dollars for the lieutenant governor-elect for any such transition and all funds not expended for this purpose during the transition period shall revert to general revenue.

26.220. Governor and Lieutenant Governor, transition period defined.—The transition period shall begin on the fifteenth day of November following the election of a

governor or lieutenant governor who is not an incumbent and shall end when that governor-elect or lieutenant governor-elect has taken the oath of office.

26.225. Transition facilities to be provided for Governor and Lieutenant Governor.—1. The commissioner of administration shall provide office space and equipment for the governor-elect and the lieutenant governor-elect and their staff during the transition period. The facilities provided shall be located at the seat of government and shall be suitable for the purpose and capable of adequately housing the transition staff of the governor-elect and the lieutenant governor-elect. The facilities provided for the staffs of the governor-elect and the lieutenant governor-elect shall be separate facilities.

2. The commissioner of administration shall furnish the transition facilities with adequate telephone service, office furniture and office machines including but not limited to typewriters, adding machines and duplicating equipment.

3. The transition period office space may be located in stateowned buildings or in leased property. All salaries, expenses, rentals and equipment purchase and repairs shall be made only from funds appropriated for the purpose of these transitions.

Section 2. Amending clause.—Chapter 27, RSMo, is amended by adding thereto three new sections to be known as sections 27.090, 27.095 and 27.100, to read as follows:

27.090. Transition funds and facilities for Attorney General, when provided.—1. In each year in which an attorney general of this state is elected and when the attorney general so elected is not the incumbent at the time of the election, funds and facilities for the attorney general-elect to be used by him in preparing an orderly transition of administration shall be provided.

2. The legislature shall appropriate to the commissioner of administration, funds to be used only for the purpose of this transition and to be expended during the transition period but in no event shall the amount so appropriated exceed ten thousand dollars for any such transition and all funds not expended for this purpose during the transition shall revert to general revenue.

27.095. Attorney General's transition period defined.—The transition period shall begin on the fifteenth day of November following the election of an attorney general who is not an incumbent and shall end when that attorney general-elect has taken the oath of office.

27.100. Facilities to be provided for Attorney General.—1. The commissioner of administration shall provide office space and equipment for the attorney general-elect and his staff during the transition period. The facilities provided shall be located at the seat of government and shall be suitable for the purpose and capable of adequately housing the attorney general-elect and his staff.

2. The commissioner of administration shall furnish the transition facility with adequate telephone service, office furniture and office machines including but not limited to typewriters, adding machines and duplicating equipment.

3. The transition period office space may be located in stateowned buildings or in leased property. All salaries, expenses, rentals and equipment purchase and repairs shall be made only from funds appropriated for the purpose of this transition.

Section 3. Amending clause.—Chapter 28, RSMo, is amended by adding thereto three new sections to be known as sections 28.300, 28.305 and 28.310, to read as follows:

28.300. Transition funds for Secretary of State, when.—1. In each year in which a secretary of state of this state is elected and when the secretary of state so elected is not the incumbent at the time of the election, funds and facilities for the secretary of state-elect to be used by him in preparing an orderly transition of administration shall be provided.

2. The legislature shall appropriate to the commissioner of administration, funds to be used only for the purpose of this transition and to be expended during the transition period but in no event shall the amount so appropriated exceed ten thousand dollars for any such transition and all funds not expended for this purpose during the transition period shall revert to general revenue.

28.305. Secretary of State's transition period defined.—The transition period shall begin on the fifteenth day of November following the election of a secretary of state who is not an incumbent and shall end when that secretary of state-elect has taken the oath of office.

28.310. Transition facilities to be provided for Secretary of State.—1. The commissioner of administration shall provide office space and equipment for the secretary of state-elect and his staff during the transition period. The facilities provided shall be located at the seat of government and shall be suitable for the purpose and capable of adequately housing the secretary of state-elect and his staff.

2. The commissioner of administration shall furnish the transition facility with adequate telephone service, office furniture and office machines including but not limited to typewriters, adding machines and duplicating equipment.

3. The transition period office space may be located in stateowned buildings or in leased property. All salaries, expenses, rentals and equipment purchase and repairs shall be made only from funds appropriated for the purpose of this transition.

Section 4. Amending clause.—Chapter 29, RSMo, is amended by adding thereto three new sections to be known as sections 29.400, 29.405 and 29.410, to read as follows:

29.400. Transition funds and facilities for Auditor.—1. In each year in which an auditor of this state is elected and when the auditor so elected is not the incumbent at the time of the election, funds and facilities for the auditor-elect to be used by him in preparing an orderly transition of administration shall be provided.

2. The legislature shall appropriate to the commissioner of administration, funds to be used only for the purpose of this transition and to be expended during the transition period but in no event shall the amount so appropriated exceed ten thousand dollars for any such transition and all funds not expended for this purpose during the transition period shall revert to general revenue.

29.405. Auditor's transition period defined.—The transition period shall begin on the fifteenth day of November following the election of an auditor who is not an incumbent and shall end when that auditor-elect has taken the oath of office.

29.410. Transition facilities to be provided for Auditor.—1. The commissioner of administration shall provide office space and equipment for the auditor-elect and his staff during the transition period. The facilities provided shall be located at the seat of government and shall be suitable for the purpose and capable of adequately housing the auditor-elect and his staff.

2. The commissioner of administration shall furnish the transition facility with adequate telephone service, office furniture and office machines including but not limited to typewriters, adding machines and duplicating equipment.

3. The transition period office space may be located in stateowned buildings or in leased property. All salaries, expenses, rentals and equipment purchase and repairs shall be made only from funds appropriated for the purpose of this transaction.

Section 5. Amending clause.—Chapter 30, RSMo, is amended by adding thereto three new sections to be known as sections 30.500, 30.505 and 30.510, to read as follows:

30.500. Transition funds and facilities for Treasurer.—1. In each year in which a treasurer of this state is elected and when the treasurer so elected is not the incumbent at the time of the election, funds and facilities for the treasurer-elect to be used by him in preparing an orderly transition of administration shall be provided.

2. The legislature shall appropriate to the commissioner of administration, funds to be used only for the purpose of this transition and to be expended during the transition period but in no event shall the amount so appropriated exceed ten thousand dollars for any such transition and all funds not expended for this purpose during the transition period shall revert to general revenue.

30.505. Treasurer's transition period defined.—The transition period shall begin on the fifteenth day of November following the election of a treasurer who is not an incumbent and shall end when that treasurer-elect has taken the oath of office.

30.510. Transition facilities to be provided for Treasurer.—1. The commissioner of administration shall provide office space and equipment for the treasurer-elect and his staff during the transition period. The facilities provided shall be located at the seat of government and shall be suitable for the purpose and capable of adequately housing the treasurer-elect and his staff.

2. The commissioner of administration shall furnish the transition facility with adequate telephone service, office furniture and office machines including but not limited to typewriters, adding machines and duplicating equipment.

3. The transition period office space may be located in state-owned buildings or in leased property. All salaries, expenses, rentals and equipment purchase and repairs shall be made only from funds appropriated for the purpose of this transition.

Section 6. Officer elect, how determined for certain purposes—expenditure of transition funds not invalidated, when.—In designating the officer elect under the provisions of this act for the purpose of transition only, the commissioner of administration shall rely on the voting records in the office of the Secretary of State, whether canvassed or not. Any subsequent election contest shall in no way invalidate prior expenditures incurred in attempting orderly transition of government pursuant to the provisions of this act. This section shall be applicable to each officer covered by the provisions of this act.

Approved July 6, 1977.

(H. B. 841)

EXECUTIVE BRANCH: Omnibus State Reorganization Act of 1974.

AN ACT to repeal sections 26.300, 32.010, 138.230, 161.252, 202.035, 261.010, 549.237, 226.080 and 386.190, RSMo 1969, and sections 1, 7, and 8 of the omnibus state reorganization act of 1974, conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 1 of the first extraordinary session of the seventy-seventh general assembly, found in appendix B of RSMo Supp. 1975, and to enact in lieu thereof thirteen new sections for the purpose of creating a uniform system of compensation for state department directors, and other state officials, with an effective date.

SECTION

- A. Enacting clause.
- 32.010. Director appointed, how.
- 202.035. Director, how appointed, compensation.
- 261.010. Department authorized—director, how appointed, qualifications.
- 226.080. Salaries how fixed—veterans' preference authorized.
 - 1. Omnibus State Reorganization Act of 1974 created.
 - 7. Highways, Department of.
 - 8. Labor and Industrial Relations, Department of.

SECTION

- 2. Compensation of commissioner of administration and directors.
- 386.190. Compensation as member of Publications Commission.
- 161.252. Administrative Hearing Commission, qualifications of commissioners—compensation—office in Jefferson City.
- 26.300. Commissioner of administration, compensation, oath of office, duties—vacancy, Governor to serve.
- 138.230. Salary and expenses of commissioners.

SECTION

549.237. Probation and parole officers.
duties, compensation.

SECTION

B. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 26.300, 32.010, 138.230, 161.252, 202.035, 261.010, 549.237, 226.080 and 386.190, RSMo 1969, and sections 1, 7 and 8 of the omnibus state reorganization act of 1974, conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 1 of the first extraordinary session of the seventy-seventh general assembly, found in appendix B of RSMo Supp. 1975, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 26.300, 32.010, 138.230, 161.252, 202.035, 549.237, 261.010, 549.237, 226.080, 386.190, and sections 1, 7, 8 and 2, to read as follows:

32.010. Director appointed, how.—The department of revenue is in charge of the director of revenue. The director shall be appointed by the governor, by and with the advice and consent of the senate, and shall serve at the pleasure of the governor.

202.035. Director, how appointed, compensation.—The head of the department of mental health shall be the director of the department who shall be appointed by the mental health commission, by and with the advice and consent of the senate. The director shall serve at the pleasure of the commission and his salary shall be set by the commission at an amount not to exceed forty thousand dollars per year.

261.010. Department authorized—director, how appointed, qualifications.—There is created a "Department of Agriculture", the main office of which shall be in Jefferson City in quarters provided by the division of design and construction. The governor, by and with the advice and consent of the senate, shall appoint a director of the department of agriculture who shall be a practical farmer, well versed in agricultural science and who shall serve at the pleasure of the governor. The director shall be in charge of the department of agriculture.

226.080. Salaries how fixed—veterans' preference authorized.—The salaries of the department heads, engineers, clerks and other employees shall be fixed by the commission, except that the compensation of clerical or other nontechnical employees of the department shall not exceed that of those in similar employment in other departments of the state. Preference shall be given, other conditions being equal, to employment of honorably discharged members of the armed services, but any other preference or discrimination in connection with employment is declared to be unlawful.

Section 1. Omnibus State Reorganization Act of 1974 created.—1. This act shall be known as the "Omnibus State Reorganization Act of 1974."

2. The state constitution contemplates the separation of powers within state government among the legislative, the executive and the judicial branches of the government. The legislative branch has the broad purpose of determining policies and programs and reviewing program performance. The executive branch has the purpose of executing the programs and policies adopted by the legislature and of making policy recommendations to the legislature. The judicial branch has the purpose of determining the constitutional propriety of the policies and programs and of adjudicating any conflicts arising from the interpretation or application of the laws.

3. Except for specific changes provided, the powers, duties and responsibilities of the elective offices of state government are not affected by this act.

4. It is the purpose of the general assembly in enacting this statute to provide for the improved accountability in performance of service to the citizens of the state and for the most efficient and economical operations possible in the administration of the executive branch of state government. All officers and employees of the state government are directed to implement this act in accord with this purpose.

5. (1) Except as otherwise provided by this act; or the state Constitution, all executive and administrative powers, duties and functions, excepting those of the elective offices, previously vested by law or otherwise in the several state departments, commissions, boards, offices, bureaus, divisions or other agencies are vested in the following administrative departments or in the office of administration: department of agriculture; department of conservation; department of consumer affairs, regulation and licensing; department of elementary and secondary education; department of higher education; department of highways; department of labor and industrial relations; department of natural resources; department of mental health; department of public safety; department of revenue; department of social services; and department of transportation.

(2) Whenever the term "head of the department" is used, it shall mean the head of one of the administrative departments created by this section or the office of administration, unless otherwise provided in this act.

6. (1) The head of each department shall be appointed, as provided by the Constitution, by the governor with the advice and consent of the senate. The head of each department shall serve at the pleasure of the governor unless otherwise provided by the Constitution or this act.

(2) Unless otherwise provided by this act, the head of each department is authorized to establish the internal organization of the department and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the department. A departmental plan shall be developed by the head of each department and approved by the governor in accordance with the transfer by type provided in this act. A plan of such organization with any subsequent changes shall be filed with the secretary of state in the manner in which administrative rules are filed and copies of the plan shall also be filed with the commissioner of administration and revisor of statutes and such plans shall be published in an appendix to the revised statutes of Missouri and supplements to the revised statutes. Plans shall be filed before June 30, 1974, for the initial reorganization, and shall be effective when filed, unless the plan provides otherwise. Thereafter, any plan of reorganization shall be filed on or before December thirty-first of each year and shall become effective, as applicable to departments, divisions, agencies, boards, commissions, units or programs transferred by type II or type III transfers as provided in this act, only as provided in sections 26.500 to 26.540, RSMo, except as herein provided in subsections 12 and 13 of section 1. The plan shall provide for the level of compensation for division and other administrative positions, subject to appropriations therefor. The head of any department may cooperate with the head of any other department in the interchange of personnel, joint use of equipment and generally in any manner promoting the more effective and efficient rendering of service. The purpose of appropriations made to any department in the executive branch of government shall not be altered without the prior approval of the fiscal affairs committee and the concurrence of the commissioner of administration.

(3) When the "head of the department" is a commission or board it shall appoint a director of the department unless otherwise provided by this act and may delegate such duties, powers and authority to the director of the department as it deems necessary to fulfill the duties and obligations of the department. Such director shall serve at the pleasure of the head of the department and shall have the title of office provided herein.

(4) (a) The head of each department, unless otherwise provided by this act, shall have exclusive budget-making powers for the department and for each division, commission, board, unit or other agency within the department. The head of the department shall submit estimates of requirements for appropriations on behalf of the department and each division, commission, board, unit or other agency within the department, as provided by Section 33.220, RSMo. Each division, commission, board, unit or other agency within the department shall present its estimate of requirements to the department head each year at or before such time as the head of the department

directs. The department head shall review each estimate submitted to it and may modify any estimate. The department head shall consolidate all estimates or requirements for appropriations and prepare an estimate for submission on behalf of the department and each division, commission, board, unit or other agency within the department, subject to the form prescribed by section 33.220, RSMo.

(b) The head of the department shall prepare all budgets for agencies within his department and shall present the budget to the commissioner of administration. The commissioner shall consolidate all department budgets and submit the same in a single document to the general assembly.

(c) Accompanying the estimate forms shall be a list, description and priority of importance of each discrete program, activity, function or operation in which the unit is expected to be engaged and a financial report of actual receipts and expenditures for the preceding fiscal year arranged by program or function and by source of funds, including federal, which shall include but not be limited to the following categories or substantially equivalent categories as modified by the commissioner of administration with the concurrence of the committee on state fiscal affairs, and in the degree of detail established by the commissioner of administration:

- (1) Salaries by position classification;
- (2) Equipment purchase, replacement and repair by type and number of units (including motor vehicles);
- (3) Travel and transportation;
- (4) Office supplies and equipment;
- (5) Communications;
- (6) Data processing expense;
- (7) Printing and publication;
- (8) Professional and technical services;
- (9) Building and ground expenses;
- (10) Institutional services;
- (11) Other expenses;
- (12) Grants, allowances, and contributions;
- (13) Capital improvements (by project).

(d) Beginning October 1, 1975, each department of the executive, legislative and judicial branches of government shall submit the report set forth in subsection (c) above, on or before October first of each year. All such reports shall be on a form as prescribed by the commissioner of administration.

(e) A certified copy of the financial report as set forth in subsection (c) above shall be filed with the state auditor, secretary of state, commissioner of administration, director of the committee on state fiscal affairs and the chairmen of committees on appropriations of the senate and house of representatives and shall be retained on file for a minimum of three years.

(5) The head of the department shall approve all written annual reports which are required by law, of each division, board, commission, unit or agency within the department before the reports are submitted for printing and distribution.

(6) The director of each department may designate by written order filed with the governor and president pro-tem of the senate a deputy director of the department, to act for and exercise the powers of the director only during the department director's absence for official business, vacation, illness, death, resignation or incapacity. When a deputy director acts as director of the department he shall receive a salary at the level provided for the director of the department when he has acted in such a capacity for longer than thirty days. A deputy director, however, shall not exercise the powers of the director for more than six consecutive months. Subject to the provisions of chapter 36, RSMo, where they apply, the department director shall appoint all division heads unless otherwise provided in this act and such division heads and the deputy director of the department shall serve at the pleasure of the director of the department or unless otherwise provided by this act.

(7) Nothing in this act shall be construed so as to remove any state agency or unit thereof or any position of employment from coverage under the provisions of the merit system law if the agency or position was covered by that law on the effective date of this act.

7. (1) To effect an orderly transition to the departments established by this act, each existing department, division, agency, board, commission, unit or program shall be transferred, as provided, by July 1, 1974.

(a) Under this act a type I transfer is the transfer to the new department or division of all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent vestiges of the existing department, division, agency, board, commission, unit, or program to the director of the designated department or division for assimilation and assignment within the department or division as he shall determine, to provide maximum efficiency, economy of operation and optimum service. All rules, orders and related matter of such transferred operations shall be made under direction of the director of the new department.

(b) Under this act a type II transfer is the transfer of a department, division, agency, board, commission, unit, or program to the new department in its entirety with all the powers, duties, functions, records, personnel, property, matters pending, and all other pertinent vestiges retained by the department, division, agency, board, commission, unit or program transferred subject to supervision by the director of the department. Supervision by the director of the department under a type II transfer shall include, but shall be limited to: budgeting and reporting under subdivisions (4) and (5) of subsection 6 of this section; to abolishment of positions, other than division, agency, unit or program heads specified by statute; to the employment and discharge of division directors; to the employment and discharge of employees, except as otherwise provided in this act; to allocation and reallocation of duties, functions and personnel; and to supervision of equipment utilization, space utilization, procurement of supplies and services to promote economic and efficient administration and operation of the department and of each agency within the department. Supervision by the director of the department under a type II transfer shall not extend to substantive matters relative to policies, regulative functions or appeals from decisions of the transferred department, division, agency, board, commission, unit or program, unless specifically provided by law. The method of appointment under type II transfer will remain unchanged unless specifically altered by this act or later acts.

(c) Under this act a type III transfer is the transfer of a department, division, agency, board, commission, unit or program to the new department with only such supervision by the head of the department for budgeting and reporting as provided under subdivisions (4) and (5) of subsection 6, of this section and any other supervision specifically provided in this act or later acts. Such supervisions shall not extend to substantive matters relating to policies, regulative functions or appeals from decisions of the department, division, agency, board, or commission unless otherwise provided by this act or later acts. The method of appointment under type III transfer will remain unchanged unless specifically altered by this act or later acts.

(d) Under this act a specific type transfer is any transfer other than type I, type II and type III transfers.

(e) All references in this act are to the whole department, division, agency, board, commission, unit or program of state government or all the chapters or sections of the statutes named except any sections, parts of sections, parts of chapters or parts of the department, division, agency, board, commission, unit or program otherwise transferred by other provisions of this act.

(2) Heads of departments or agencies affected shall prepare orderly transfer arrangements relating to personnel, equipment, other property and matters pending and they shall prepare a formal transfer agreement which shall not go into effect until approved by the commissioner of administration. Unencumbered appropriation balances in whole or in part may be transferred on approval of the governor and the

state fiscal affairs committee. Copies of all transfer agreements and approved transfers of appropriation balances shall be filed in the office of the state fiscal affairs committee, office of the revisor of statutes, office of administration and the secretary of state's office, and such copies shall be available in those offices for public inspection.

(3) Any matter pending before any department or agency on the effective date of transfer shall be assumed by the department or agency which will exercise the duty or power relating to the matter after the effective date of transfer and there shall be no interruption of process in such a transfer. All rules, forms and procedures will remain unchanged for a period of ninety days following transition and then may be changed only as provided by law, the transfer agreement, or by executive order.

8. (1) The transfers provided by this act shall be effected by June 30, 1974, by executive order of the governor in accord with the provisions of this act and subject to filing required transfer agreements, the appointment of officers, approval of transfer of appropriations and the approval of the commissioner of administrations. The governor shall appoint the heads of the departments as soon as is possible, after the effective date of this act. The period from the effective date of this act to the date of transfer shall be devoted to planning and arranging the transition and in establishing the internal structure of each department to insure the uninterrupted operations of state government. During the transition period, officers appointed to new departments may also serve in positions in existing agencies but shall receive only the compensation provided for the new position to which they will serve after transfer. If at any time positions in the executive branch are transferred to coverage under chapter 36, RSMo, all incumbents of such positions with at least twelve months of prior service on the effective date of this act shall have incumbency preference and shall be permitted to retain their positions provided they meet qualifications standards acceptable to the personnel division of the office of administration. An employee with less than twelve months of prior service on the effective date of this act or an employee who is appointed to such a position after the effective date of this act and prior to the classification and allocation of the position by the personnel division shall be permitted to retain his position providing he meets acceptable qualification standards and subject to successful completion of a working test period which shall not exceed twelve months of total service in the position. After the allocation of any position to an established classification, such position shall thereafter be filled only in accordance with all the provisions of chapter 36, RSMo.

(2) All expenditures of state funds by any department, division or other agency within the executive branch of state government shall be made only in the amounts and for the purposes as directed by the general assembly in the act appropriating the money to the department, division or other agency, except as provided in subsection 6, subparagraph (2) and subsection 9 of this section.

9. In establishing the positions and supporting staff of each department created by this act, the costs of such positions and operations will be met as far as possible by utilizing funds for existing positions or funds available from vacant positions within the appropriations of the departments, divisions, agencies, boards, commissions, units or programs assigned to the department.

10. In financing the administrative transfers, provided in this act it is the intent of the general assembly to respect the segregation of funding provided by the Constitution or law.

11. Nothing in this act shall be interpreted as transferring any employee from one state pension or retirement system to another.

12. The governor is authorized to create by executive order such advisory councils or committees as may be required to conform with requirements to receive federal grants, provided that such executive orders shall be submitted as provided in sections 26.500 through 26.540, RSMo, except that such executive orders shall be effective immediately, but will be void if a resolution to disapprove is adopted by either house of

the general assembly as provided in sections 26.500 through 26.540, RSMo. The head of the department shall appoint all members of such advisory councils unless federal law or regulation or this act requires otherwise, in which case they shall be subject to the federal requirement as shall be provided by executive order. Members of such advisory councils shall be allowed only reimbursement for their actual and necessary expenses from the appropriations made to the department or agency to which they render advice. All advisory councils or committees shall annually make a report on their activities to the director of the department including all recommendations. A copy of each such report shall be transmitted by the advisory committee to the governor and to the legislative library.

13. If any matter, relating only to assignment of agencies, programs or operations, is left unresolved by this act, or must be adjusted to conform with federal law or regulation to receive federal aids, the governor may by executive order resolve the matter; provided that such executive orders shall be submitted, as provided in sections 26.500 through 26.540, RSMo, except that such executive orders shall be effective immediately, but will be void if a resolution to disapprove is adopted by either house of the general assembly as provided in sections 26.500 through 26.540, RSMo.

14. (1) Unless otherwise provided, where this act establishes a method of appointment other than presently provided by law, those persons serving terms fixed by law shall serve out the remainder of the term for which they were appointed and on the expiration of terms, after July 1, 1974, the appointment shall be made as provided herein. The qualifications, terms, compensation and related matters will remain as in present law except as specifically altered by this act.

(2) All department heads, directors of departments, members of boards and commissions, and such other officers as directed by law shall qualify for their office by taking an oath to support the constitution of the United States and the constitution of the state of Missouri and to faithfully demean himself, in the office to which he has been appointed.

15. (1) Where this act changes titles or eliminates positions, departments, divisions, commissions, boards, agencies or units, the office as changed or the position assuming the duties of abolished positions, departments, divisions, commissions, boards, agencies or units shall fulfill all duties, serve in all ex officio capacities and in every way be read into the law as the official or agency named as successor unless otherwise provided by this act. Where this act changes the method of appointment of officials, said provision also requires that any reports to be rendered be rendered to the authority making the appointment unless otherwise provided herein.

(2) All officers or employees shall be bonded, as required by law or by the governor by executive order. The Commissioner of Administration shall have the authority, however, to place all elected or appointed officers or employees, required to be bonded, under a blanket bond to the extent feasible. All bonds, blanket or individual, shall be obtained on the basis of competitive bidding.

16. The staff of the committee on legislative research shall prepare reorganization-revision bills to be submitted to the eightieth general assembly to revise the statutes so as to reflect the changes made by or pursuant to this act and shall, for consideration of the Eightieth General Assembly, prepare such other reorganization-revision bills as may be found to be necessary to meet the requirements of the amendment to the constitution adopted August 8, 1972 and this act; except that the committee on legislative research shall use fully section 3.060 RSMo where it will suffice. At such time as all statutory revision changes required pursuant to this act have gone into effect the revisor of statutes may prepare legislation to repeal this act.

Section 7. Highways, Department of.—1. There is hereby created a department of highways as provided by the constitution and laws of the state. The department shall be in charge of a state highway commission as provided by the constitution and statutes.

2. The chief engineer shall receive an annual salary of not less than that provided for in section 2 of this act. The salaries of the chief counsel, assistant chief engineer, the secretary of the commission, and of the division chiefs, department heads, engineers, and clerks and other employees shall be fixed by the commission.

Section 8. Labor and Industrial Relations, Department of.—1. There is hereby created a department of labor and industrial relations to be headed by a labor and industrial relations commission as provided by section 49, article IV Constitution of Missouri. All the powers, duties and functions of the industrial commission are transferred by type I transfer to the labor and industrial relations commission and the industrial commission is abolished. The commission shall nominate and the governor shall appoint by and with the advice and consent of the senate, the director of the department to be the chief administrative officer of the department. The salary of the director shall be forty thousand dollars per annum. Members of the industrial commission on the effective date of this act shall become members of the labor and industrial relations commission and the terms of the labor and industrial relations commission members shall be the same as provided by law for the industrial commission. Individuals appointed as members of the industrial commission shall serve the remainder of the term to which they were appointed as members of the labor and industrial relations commission. The members of the labor and industrial relations commission shall receive the compensation set by law for members of the industrial commission except that for the additional duties imposed by this section each member of the commission shall receive in addition to other compensation allowed by law the sum of ten thousand dollars annually, to be paid in equal monthly installments. The board of rehabilitation is abolished as hereinafter set out and upon effective date of this act no compensation shall be paid to any person as a member of the board of rehabilitation, other provisions of the law notwithstanding. No member of the labor and industrial relations commission shall receive more than forty thousand dollars annually from all sources of compensation. The director of the department shall appoint other division heads in the department. For the purposes of subsections 6, 7, 8 and 9 of section 1 of this act, the director of the department shall be construed as the head of the department of labor and industrial relations.

2. All powers, duties and functions vested by law in the division of employment security, chapter 288, RSMo and others, are transferred by type II transfer to the department of labor and industrial relations.

3. All powers, duties, and functions vested by law in the division of workmen's compensation, chapter 287 and others, are transferred by type II transfer to the department of labor and industrial relations.

4. All the powers, duties and functions of the board of rehabilitation, chapter 287, RSMo and others, are transferred by type I transfer to the division of workmen's compensation department of labor and industrial relations and the board of rehabilitation is abolished. For the additional duties relating to the administration of rehabilitation programs and services imposed by this section, the director of the division of workmen's compensation shall receive in addition to other compensation allowed by law the sum of two thousand five hundred dollars annually.

5. All powers, duties and functions vested by law in the division of industrial inspection, chapters 286, 291, 292, 294, RSMo and others, are transferred by type I transfer to an inspection section, which is hereby created, of the department of labor and industrial relations. All employees of this section shall be selected pursuant to the provisions of chapter 36, RSMo.

6. All powers, duties and functions vested by law in the division of mine inspection, chapters 286, 290, 293 and 444, RSMo, are transferred by type I transfer to the inspection section of the department of labor and industrial relations.

7. All the powers, duties and functions vested by law in the state board of

mediation under chapter 295, RSMo and others, are transferred by type II transfer to the department of labor and industrial relations.

8. The powers, duties and functions vested in the Missouri commission on the status of women, chapter 186, RSMo and others, are transferred by type I transfer to the department of labor and industrial relations. Members of the commission shall be appointed by the director of the department, with advice and consent of the Senate.

9. All employees of the division of employment security shall be selected by the director of the division in accord with chapter 36, RSMo.

Section 2. Compensation of commissioner of administration and directors.—The commissioner of administration and the director of each department of state government, except those directors appointed by the heads of departments authorized to set salaries of directors, and heads of departments whose salaries are set by the governor, shall receive an annual salary of forty thousand dollars payable in twelve equal monthly installments out of the state treasury.

386.190. Compensation as member of Publications Commission.—For his services each member of the publications commission shall receive from the state the sum of eighteen thousand five hundred dollars per year to be paid in equal monthly installments. One-half of the compensation shall be paid from the special fund created under the provisions of section 386.370, known and designated as the "Public Service Commission Fund", and one half shall be paid out of the State Highway Department Fund.

161.252. Administrative Hearing Commission, qualifications of commissioners—compensation—office in Jefferson City.—There is hereby created a state administrative agency to be known as the "Administrative Hearing Commission", which is assigned to the department of consumer affairs, licensing and registration. It shall consist of no more than two commissioners. The commissioners shall be appointed by the governor with the advice and consent of the senate. The term of the commissioners shall be for six years and until their successor is appointed, qualified and sworn. The commissioners shall be attorneys at law admitted to practice before the supreme court of Missouri, but shall not practice law during their term of office. The commissioners shall receive annual compensation of twenty-seven thousand dollars and shall be entitled to actual and necessary expenses in the performance of their duties. The office of the administrative hearing commission shall be located in the City of Jefferson and it may employ necessary clerical assistance, compensation and expenses of the commissioners to be paid from appropriations from general revenue made for that purpose.

26.300. Commissioner of administration, compensation, oath of office, duties—vacancy, Governor to serve.—1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of administration, who shall head the "office of administration" which is hereby created. The commissioner of administration shall receive a salary as provided by law and shall also receive his actual and necessary expenses incurred in the discharge of his official duties. Before taking office, the commissioner of administration shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean himself faithfully in office. He shall also deposit with the governor a bond, with sureties to be approved by the governor, in the amount to be determined by the governor payable to the state of Missouri, conditioned on the faithful performance of the duties of his office. The premium of this bond shall be paid out of the appropriation for the office of the governor.

2. The governor shall appoint the commissioner of administration with the advice and consent of the senate. The commissioner shall be at least thirty years of age and must have been a resident and qualified voter of this state for the five years next preceding his appointment. He must be qualified by training and experience to assume

the managerial and administrative functions of the office of commissioner of administration.

3. The commissioner of administration shall, by virtue of his office, without additional compensation, head the division of budget, the division of purchasing, the division of design and construction, and the division of electronic data processing coordination. Whenever provisions of the constitution grant powers, impose duties or make other reference to the comptroller, they shall be construed as referring to the commissioner of administration.

4. The commissioner of administration shall provide the governor with such assistance in the supervision of the executive branch of state government as the governor requires and shall perform such other duties as are assigned to him by the governor or by law. The commissioner of administration shall work with other departments of the executive branch of state government to promote economy, efficiency and improved service in the transaction of state business. The commissioner of administration, with the approval of the governor, shall organize the work of the office of administration in such manner as to obtain maximum effectiveness of the personnel of the office. He may consolidate, abolish or reassign duties of positions or divisions combined within the office of administration, except for the division of personnel. He may delegate specific duties to subordinates. These subordinates shall take the same oath as the commissioner and shall be covered by the bond of the director or by separate bond as required by the governor.

5. The personnel division, personnel director and personnel advisory board as provided in chapter 36, RSMo, shall be in the office of administration. The personnel director and employees of the personnel division shall perform such duties as directed by the commissioner of administration for personnel work in agencies and departments of state government not covered by the merit system law to upgrade state employment and to improve the uniform quality of state employment.

6. The commissioner of administration shall prepare a complete inventory of all real estate, buildings and facilities of state government and an analysis of their utilization. Each year he shall formulate and submit to the governor a long-range plan for the ensuing five years for the repair, construction and rehabilitation of all state properties. The plan shall set forth the projects proposed to be authorized in each of the five years with each project ranked in the order of urgency of need from the standpoint of the state as a whole and shall be upgraded each year. Project proposals shall be accompanied by workload and utilization information explaining the need and purpose of each. Departments shall submit recommendations for capital improvement projects and other information in such form and at such times as required by the commissioner of administration to enable him to prepare the long-range plan. The commissioner of administration shall prepare the long-range plan together with analysis of financing available and suggestions for further financing for approval of the governor who shall submit it to the general assembly. The long-range plan shall include credible estimates for operating purposes as well as capital outlay and shall include program data to justify need for the expenditures included. The long-range plan shall be extended, revised and resubmitted in the same manner to accompany each executive budget. The appropriate recommendations for the period for which appropriations are to be made shall be incorporated in the executive budget for that period together with recommendations for financing. Each revised long-range plan shall provide a report on progress in the repair, construction and rehabilitation of state properties and of the operating purposes program for the preceding fiscal period in terms of expenditures and meeting program goals.

7. All employees of the office of administration, except the commissioner and not more than three other executive positions designated by the governor in an executive order, shall be subject to the provisions of chapter 36, RSMo. The commissioner shall appoint all employees of the office of administration and may discharge the employees

after proper hearing, provided that the employment and discharge conform to the practices governing selection and discharge of employees in accordance with the provisions of chapter 36, RSMo.

8. The office of the commissioner of administration shall be in Jefferson City.

9. In case of death, resignation, removal from office or vacancy from any cause in the office of commissioner of administration, the governor shall take charge of the office and superintend the business thereof until a successor is appointed, commissioned and qualified.

138.230. Salary and expenses of commissioners.—Each commissioner shall receive fifteen thousand dollars per annum as compensation for his services, and reasonable traveling and other expenses actually paid and necessary to the performance of the duties of his office.

549.237. Probation and parole officers, duties, compensation.—Probation and parole officers shall investigate all persons referred to them for investigation by the board or by any court in which they are authorized to serve. They shall furnish to each person released under their supervision a written statement of the conditions of probation or parole and shall instruct him regarding these conditions. They shall keep informed of his conduct and condition and use all suitable methods to aid and encourage him to bring about improvement in his conduct and conditions. Probation and parole officers shall keep detailed records of their work; and shall make such reports in writing and perform such other duties as may be incidental to those enumerated, as the court or the board may require. The minimum salary of a probation and parole officer shall be ten thousand five hundred dollars per year. Salaries for additional merit system professional probation and parole classes within the division shall be set as provided under section 36.140, RSMo, in consideration of the minimum.

Section B. Effective date.—This act shall become effective January 1, 1978.
Approved July 19, 1977.

[S. B. 375]

EXECUTIVE BRANCH: Tax credit to certain business firms.

AN ACT granting a tax credit to certain business firms who contribute to neighborhood organizations or who engage in activities which tend to upgrade impoverished areas, and having an effective date.

SECTION

1. Short title.
2. Definitions.
3. Firms providing neighborhood assistance to receive tax credits.
4. Tax credits, director of revenue to determine amount—upper limits set.

SECTION

5. Director's decisions to be in writing—director to determine amount of credit.
6. Effective and termination date—rules to expire, when—rulemaking authority terminates November 30, 1981.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Short title.—This act shall be known and may be cited as the "Neighborhood Assistance Act".

Section 2. Definitions.—As used in this act the following terms mean:
(1) "Business firm", any business entity authorized to do business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or an express company which pays an annual tax on its gross receipts in this state;

(2) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in an impoverished area;

(3) "Crime prevention", any activity which aids in the reduction of crime in an impoverished area;

(4) "Education", any type of scholastic instruction or scholarship assistance to an individual who resides in an impoverished area that enables him to prepare himself for better life opportunities;

(5) "Impoverished area", any area designated as a "blighted area" under subsection 2 of section 353.020, RSMo, and any other area within this state which is certified as an impoverished area by the community development division of the department of consumer affairs, regulation and licensing and approved by the governor;

(6) "Job training", any type of instruction to an individual who resides in an impoverished area that enables him to acquire vocational skills so that he can become employable or be able to seek a higher grade of employment;

(7) "Neighborhood assistance", furnishing financial assistance, labor, material, and technical advice to aid in the physical improvement of any part or all of an impoverished area;

(8) "Neighborhood organization", any organization performing community services in an impoverished area and:

(a) Holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under the provisions of the Internal Revenue Code; or

(b) Incorporated in the state of Missouri as a not for profit corporation under the provisions of chapter 355, RSMo; or

(c) Designated as a community development corporation by the United States government under the provisions of Title VII of the Economic Opportunity Act of 1964.

Section 3. Firms providing neighborhood assistance to receive tax credits.—

Any business firm which engages in the activities of providing neighborhood assistance, job training or education for individuals, community services, or crime prevention in an impoverished area shall receive a tax credit as provided in section 5 of this act if the director of the division of community development of the department of consumer affairs, regulation and licensing annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the impoverished area selected, the estimated amount to be invested in the program and the plans for implementing the program. If, in the opinion of the director of the division of community development of the department of consumer affairs, regulation and licensing, a business firm's investment can more consistently with the purposes of this act be made through contributions to a neighborhood organization as defined in subdivision (8) of section 2 of this act, tax credits may be allowed as provided in section 5. The director of the division of community development of the department of consumer affairs, regulation and licensing is hereby authorized to promulgate rules and regulations for the approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved under this act for the first fiscal year shall not exceed one million seven hundred fifty thousand dollars to be increased by no more than one million seven hundred fifty thousand dollars each succeeding fiscal year until the total tax credit granted reaches eight million seven hundred fifty thousand dollars and thereafter no more than eight million seven hundred fifty thousand dollars of tax credit shall be approved in any fiscal year.

Section 4. Tax credits, director of revenue to determine amount—upper limits set.—The department of revenue shall grant a tax credit against any tax due under the provisions of chapter 143, RSMo, the state income tax law, or under the provisions of chapter 148, RSMo, imposing an annual tax on gross premium receipts of insurance companies, or under the provisions of chapter 153, RSMo, imposing an annual tax on gross receipts of express companies, in an amount which shall not exceed fifty percent of the total amount invested during the taxable year by the business firm in programs approved pursuant to section 4 of this act; provided, that a tax credit of up to seventy percent may be allowed for investment in programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the division of community development of the department of consumer affairs, regulation and licensing. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred fifty thousand dollars annually. No tax credit shall be granted to any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the investment was made may be carried over for the next five succeeding calendar or fiscal years until the full credit has been allowed. In no event shall the total amount of all tax credits allowed pursuant to this act exceed eight million seven hundred fifty thousand dollars in any one fiscal year.

Section 5. Director's decisions to be in writing—director to determine amount of credit.—The decision of the director of the division of community development of the department of consumer affairs, regulation and licensing to approve or disapprove a proposal pursuant to section 4 of this act shall be in writing, and if he approves the proposal, he shall state the maximum credit allowable to the business firm. A copy of the decision of the director of the division of community development of the department of consumer affairs, regulation and licensing shall be transmitted to the director of revenue and to the governor.

Section 6. Effective and termination date—rules to expire, when—rulemaking authority terminates November 30, 1981.—This act shall take effect January 1, 1978. Any rule promulgated pursuant to this act shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire on November 30, 1981.

Approved July 18, 1977.

[S. S. H. B. 333]

EXECUTIVE BRANCH: Deductions from state employees' pay.

AN ACT to repeal section 33.103, RSMo Supp. 1975, relating to certain deductions from state employees' pay, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

33.103. Deductions authorized to be made from state employees' compensation, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 33.103, RSMo Supp. 1975, is repealed and

one new section enacted in lieu thereof, to be known as section 33.103, to read as follows:

33.103. Deductions authorized to be made from state employees' compensation, when.—1. Whenever the employees of any state department, division or agency established any voluntary retirement plan, or participate in any group hospital service plan, group life insurance plan, medical service plan or other such plan, or if they are members of an employee collective bargaining organization, the commissioner of administration may deduct from such employees' compensation warrants the amount necessary for each employee's participation in the plan or collective bargaining dues, provided that such dues deductions shall be made only from those individuals agreeing to said deductions in writing. Before such deductions are made, the person in charge of the department, division or agency, shall file with the commissioner of administration an authorization showing the names of participating employees, the amount to be deducted from each such employee's compensation, and the agent authorized to receive the deducted amounts. The amount deducted shall be paid to the authorized agent in the amount of the total deductions by a warrant issued as provided by law.

2. The commissioner of administration may, in the same manner, deduct from any state employee's compensation warrant any amount authorized by the employee for the purchase of shares in a state employees' credit union in Missouri.

3. The commissioner of administration may, in the same manner, deduct from any state employee's compensation warrant any amount authorized by the employee, in writing, for contribution to a fund resulting from a united, joint community-wide solicitation or to a fund resulting from a nation-wide solicitation by charities rendering services or otherwise fulfilling charitable purposes if the fund is administered in a manner requiring public accountability and public participation in policy decisions.

Approved July 27, 1977.

(H. B. 178)

EXECUTIVE BRANCH: Board of Fund Commissioners and state bonds.

AN ACT to repeal sections 33.300, 33.360, 33.530 and 33.540, RSMo 1969, relating to the board of fund commissioners and state bonds, and to enact in lieu thereof four new sections relating to the same subject.

SECTION

1. Enacting clause.
- 33.300 Board of Fund Commissioners—members—officers—duties.
- 33.360. Endorsement of surrendered bonds.

SECTION

- 33.530. Treasurer to keep scrapbook, bond or coupon register.
- 33.540. Treasurer to keep redeemed bond register.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 33.300, 33.360, 33.530 and 33.540, RSMo 1969 are repealed and four new sections enacted in lieu thereof, to be known as sections 33.300, 33.360, 33.530 and 33.540, to read as follows:

33.300. Board of Fund Commissioners—members—officers—duties.—The governor, attorney general, state auditor, state treasurer, and commissioner of administration constitute the board of fund commissioners, of which the governor is president and the state treasurer, secretary. The board shall direct the payment of interest on the state debt, the redemption, issue and cancellation of bonds of the state, and perform all acts and things required of them by law.

33.360. Endorsement of surrendered bonds.—The state treasurer shall endorse the bond or bonds or coupons surrendered with the words:

Canceled and duplicate issued this day of A. D. his signature to be attested by the secretary of state.

33.530. Treasurer to keep scrapbook, bond or coupon register.—The state treasurer shall keep in his office what is known as "a scrapbook, bond or coupon register", and insert therein, in proper order, all canceled bonds and coupons, also all bonds and coupons hereafter paid, and do and perform the same conformably to approved custom where such registers are in use; and furthermore designate and letter accordingly said book, register of canceled bonds and coupons; also, place on the cover page of every volume a printed copy of this section, in such manner that it can be conveniently read.

33.540. Treasurer to keep redeemed bond register.—All bonds purchased or paid under the laws of this state shall be deposited with the state treasurer, who shall immediately proceed, in the presence of the fund commissioners, to cancel the bonds and all attached coupons by punching in a manner to preclude the possibility of negotiation, use or sale. He shall register the canceled bonds in a well-bound book kept for that purpose, designated "the redeemed bond register". The bonds shall be registered by their numbers, dates, series and amounts, the date of their payment or purchase, to whom paid or from whom purchased, and under what law it was done.

Approved July 27, 1977.

[H. B. 720]

EXECUTIVE BRANCH: Inventories of property.

AN ACT to repeal section 34.125, RSMo 1969, relating to inventories of property which each state department and agency is required to keep, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

34.125. Departments to keep inventories of non-expendable property.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 34.125, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 34.125, to read as follows:

34.125. Departments to keep inventories of non-expendable property.—Each state department, including each of the agencies therein, shall identify each nonexpendable property item in its possession worth at least the amount prescribed by the state auditor by make, model, serial number and acquisition cost and by affixing a numbered tag or a similar marking to it. The head of each department shall be responsible for the proper use and retention of this property. Each department shall keep currently an inventory of all this property in the form which shall be prescribed for such an inventory by the state auditor.

Approved June 1, 1977.

[S. B. 98]

EXECUTIVE BRANCH: State merit system.

AN ACT to repeal sections 36.380 and 36.390, RSMo Supp, 1975, relating to the state merit system, and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
36.380. Dismissal of employee—notice, how given—approval for re-employment, when.

SECTION

- 33.390. Rights of appeal—regulations concerning appeals and investigations—summary and recommendations required.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 36.380 and 36.390, RSMo Supp. 1975, are repealed and two new sections enacted in lieu thereof, to be known as sections 36.380 and 36.390, to read as follows:

36.380. Dismissal of employee—notice, how given—approval for reemployment, when.—An appointing authority may dismiss for cause any employee in his division occupying a position subject hereto when he considers that such action is required in the interests of efficient administration and that the good of the service will be served thereby. No dismissal of a regular employee shall take effect unless, prior to the effective date thereof, the appointing authority gives to such employee a written statement setting forth in substance the reason therefor and files a copy of such statement with the director. When it is not practicable to give the notice of dismissal to an employee in person, it may be sent to the employee by certified or registered mail, return receipt requested, at his last mailing address as shown in the personnel records of the appointing authority. Proof of refusal of the employee to accept delivery or the inability of postal authorities to deliver such mail shall be accepted as evidence that the required notice of dismissal has been given. If the director determines that the statement of reasons for the dismissal given by the appointing authority shows that such dismissal does not reflect discredit on the character or conduct of the employee, he may, upon request of the employee, approve reemployment under section 36.240, in any class in which the employee has held regular status. Any regular employee who is dismissed shall have the right to appeal to the board as provided under section 36.390.

33.390. Rights of appeal—regulations concerning appeals and investigations—summary and recommendations required.—1. An applicant whose request for admission to any examination has been rejected by the director may appeal to the board in writing within five days of the mailing of the notice of rejection by the director, and in any event before the holding of the examination. The board's decision on all matters of fact shall be final.

2. Applicant may be admitted to an examination pending a consideration of the appeal, but such admission shall not constitute the assurance of a passing grade in education and experience.

3. Any applicant who has taken an examination and who feels that he has not been dealt with fairly in any phase of the examination process may request that the director review his case. Such request for review of any examination must be filed in writing with the director within thirty days after the date on which notification of the results of such examination was mailed to the applicant. A candidate may appeal the decision of the director in writing to the board. Such appeal must be filed with the director within thirty days after date on which notification of the decision of the director was mailed to the applicant. The board's decision with respect to any changes shall be final, and shall be entered in the minutes. A correction in the rating shall not affect a certification or appointment which may have already been made from the register.

4. An eligible whose name has been removed from a register for any of the reasons specified in section 36.180 or in section 36.240 may appeal to the board for reconsideration. Such appeal must be filed in writing at the office of the director within thirty days after the date on which notification was mailed to the applicant. The director shall refer the appeal with all pertinent information to the board. The board, after investigation, shall make its decision which shall be recorded in the minutes and the eligible shall be notified accordingly by the director.

5. Any regular employee who is dismissed or demoted or suspended for more than three days may appeal in writing to the board within thirty days after the effective date thereof, setting forth in substance his reasons for claiming that the dismissal, suspension or demotion was for political, religious, or racial reasons, or not for the good of the service. Upon such appeal, both the appealing employee and the appointing authority whose action is reviewed shall have the right to be heard and to present evidence at a hearing which, at the request of the appealing employee, shall be public. At the hearing of such appeals, technical rules of evidence shall not apply. After the hearing and consideration of the evidence for and against a suspension or demotion the board shall approve or disapprove such action, and in the event of a disapproval the board shall order the reinstatement of the employee to his former position and the payment to the employee of such salary as he has lost by reason of such suspension or demotion. After the hearing and consideration of the evidence for and against a dismissal the board shall approve or disapprove such action and may make any one of the following appropriate orders:

(1) Order the reinstatement of the employee to his former position and the payment to the employee of part or all of such salary as has been lost by reason of such dismissal;

(2) Sustain the dismissal of such employee, unless the board finds that the dismissal was based upon political, social, or religious reason, in which case it shall order the reinstatement of the employee to his former position and the payment to the employee of such salary as has been lost by reason of such dismissal;

(3) Except as provided above the board may sustain the dismissal, but may order the director to recognize reemployment rights for the dismissed employees under section 36.240, in an appropriate class or classes, or may take steps to effect the transfer of such employee to an appropriate position in the same or another division of service.

6. The board shall establish such rules as may be necessary to give effect to the provisions of this section. The rules may provide that the board or the chairman of the board may delegate responsibility for the conduct of investigations and the hearing of appeals provided under any section of this law to a member of the board or to a hearing officer designated by the board. Such hearing officer shall have the power to administer oaths, subpoena witnesses, compel the production of records pertinent to any hearing, and take any action in connection with such hearing which the board itself is authorized to take by law other than making the final decision and appropriate order. When the hearing has been completed, the individual board member or the hearing officer who conducted the hearing shall prepare a summary thereof and recommend a findings of fact, conclusions of law, decision and appropriate order for approval of the board. The board may adopt such recommendations in whole or in part, require the production of additional testimony, reassign the case for rehearing, or may itself conduct such new or additional hearing as is deemed necessary prior to rendering a final decision.

Approved May 26, 1977.

[H. B. 224]

EXECUTIVE BRANCH: Governor to convey certain lands to city of Mountain Grove.

AN ACT to authorize the governor of the state of Missouri to convey certain lands to the city of Mountain Grove, a municipal corporation, of Wright county, Missouri.

SECTION

1. Governor to convey lands in Wright County to city of Mountain Grove—description.
2. Reversionary clause.

SECTION

3. Conveyance consideration.
4. Attorney General to approve instrument of conveyance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Governor to convey lands in Wright County to city of Mountain Grove—description.—The governor of the state of Missouri is hereby authorized and empowered to give, grant and convey to or for the use of the city of Mountain Grove, a municipal corporation of Wright county, Missouri for public use title to certain lands consisting of property formerly occupied by the state poultry experiment station situate in Wright county, state of Missouri, the land being more particularly described as follows:

Part of the North half of the Northeast quarter of Section nine in Township 28 of Range 12 described as beginning at the intersection and in the center of Wall and Third Streets in Lane's Addition to the town of Fyan. Now called Mountain Grove, Missouri; thence east four hundred and forty-one (441) feet; thence North seventy-three degrees and thirty minutes East Two thousand three hundred two and five-tenths (2302.5) feet to the county line between Wright and Texas County; thence South along said county line six hundred forty-two and five-tenths (642.5) feet to the north line of the Kansas City, Springfield and Memphis (now Frisco System) Railroad right-of-way; thence in a Southwesterly direction along the north line of said right-of-way two thousand ninety-nine and five-tenths (2099.5) feet; thence north sixty-eight (68) degrees and thirty minutes west sixty (60) feet to the west bank of the branch; thence with the meanderings of the west side of said branch one hundred and forty-eight (148) feet to the intersection of property line running due north and south; thence north two hundred and fifty-nine (259) feet; thence south seventy-two (72) degrees and forty-five minutes west one hundred and twenty-five (125) feet; thence north twenty-one (21) degrees and thirty minutes west fifteen (15) feet; thence south seventy-two (72) degrees and forty-five minutes west three hundred and seventy-five (375) feet; thence north along the east side of Wall Street two hundred ninety-six and three-tenths (296.3) feet to the north line of the land conveyed by this deed.

There is excepted from this conveyance land heretofore conveyed for highway purposes as recorded in Book 113, pages 38 and 39, of the office of the Recorder of Deeds of Wright County, Missouri, and 20 feet off the east side running north and south for road purposes.

Section 2. Reversionary clause.—The instrument of conveyance shall contain a reversionary clause providing that in the event that the city of Mountain Grove no longer desires to utilize or hold title to such property, the city shall not be permitted to convey title to any third party and the title shall then revert to and vest in the governor of the state of Missouri.

Section 3. Conveyance consideration.—The consideration for the conveyance shall be one dollar and other valuable consideration.

Section 4. Attorney General to approve instrument of conveyance.—The attorney general shall approve the instrument of conveyance.

Approved June 15, 1977.

[H. B. 465]

EXECUTIVE BRANCH: Governor to grant lease of certain lands of Northeast Missouri State University.

AN ACT to authorize the governor to grant a lease of certain lands of northeast Missouri state university for the purpose of accommodating an electrical substation.

SECTION

1. Governor to lease lands of Northeast Missouri State University to Missouri Power and Light Company—conveyance consideration—description.

SECTION

2. Lease agreement to contain clause.
3. Attorney General to approve lease instrument.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Governor to lease lands of Northeast Missouri State University to Missouri Power and Light Company—conveyance consideration—description.—The governor is hereby authorized and empowered to lease to and for the use of Missouri power and light company, a Missouri corporation, a plot of land owned by the state of Missouri, consisting of a portion of the land of northeast Missouri state university, for the purposes of furnishing a site for construction, operation, maintenance and use of an electrical transformer substation. The consideration for the conveyance shall be one dollar and other valuable consideration. Aforesaid plot of land is more particularly described as follows:

A tract of land in Block 12, Morris Addition to the City of Kirksville, Missouri, and being further described as follows:

From the Southeast corner of said Block 12 of Morris Addition; Thence West, along the South line of said Block 12, 160.02 feet to the point of beginning for this description; thence continuing West, along said South line, 40.00 feet; thence deflecting 87° 12' to the right, 26.61 feet; thence deflecting 92° 48' to the right, 41.30 feet; thence deflecting 90° 00' to the right, 26.58 feet to the point of beginning. Containing in all, 0.02 acres more or less.

Section 2. Lease agreement to contain clause.—The lease agreement shall contain a clause that the tenancy created is a tenancy from year to year with provision that two years' notice to quit be given. The lease agreement shall also contain a clause providing that the lessee retains all rights, title, and interest to the substation erected upon the land subject to the lease and that it may be relocated upon termination of the lease agreement. The board of regents for northeast Missouri state university may negotiate with the lessee for the assistance, if any, to be given by the university in the relocation of lessee's electrical transformer substation upon termination of the lease agreement.

Section 3. Attorney General to approve lease instrument.—The attorney general shall approve the lease instrument.

Approved August 11, 1977.

[H. C. S. S. B. 488]

EXECUTIVE BRANCH: Governor to convey certain real property in Lafayette County to Department of Natural Resources.

AN ACT to authorize the governor to convey certain real property of the state located in the county of Lafayette, Missouri, to the department of natural resources, as successor to the park board, and to grant to the department of natural resources the right to enter upon certain real property of the state and sever therefrom the building known as the confederate chapel from removal to and location upon the property in Lafayette county herein authorized to be conveyed to the department of natural resources, as successor to the park board.

SECTION

1. Governor to convey certain real property located in Lafayette County to Department of Natural Resources—description.

SECTION

2. Department of Natural Resources authorized to relocate Confederate Chapel of Higginsville.
3. State funds, how and when used.

SECTION

4. Renovating and restoration of structure, how.

SECTION

5. Attorney General to approve instrument of conveyance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Governor to convey certain real property located in Lafayette County to Department of Natural Resources—description.—The governor of Missouri is hereby authorized to grant, bargain, convey, and confirm certain real property of the state located in Lafayette county, Missouri, to the department of natural resources, as successor to the park board. The property to be conveyed is described as follows:

From the southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 25, Township 50N, Range 26W, in Lafayette County, Missouri; thence N 0° 56' W, 30 feet to the northerly line of Missouri State Route 13; thence S 89° 04' W, along said northerly line, 82.97 feet; thence N 26° 46' E, 1014.3 feet; thence N 13° 16' E, 67.25 feet to the northerly line of a concrete walk and the point of beginning for this description; thence N 39° 50' W, along the extension southerly of the westerly line of a cemetery, 179.00 feet to a point on the westerly line of said cemetery; thence N 50° 10' E, along the westerly line of said cemetery, 122.76 feet; thence S 39° 50' E, along the westerly line of the cemetery, 157.85 feet to the northerly line of a concrete walk; thence S 40° 24' W, along the northerly line of said walk, 124.57 feet to the point of beginning.

Containing in all, 0.47 of an acre.

Section 2. Department of Natural Resources authorized to relocate Confederate Chapel of Higginsville.—The state department of natural resources is hereby granted the right to enter, by its authorized agents and employees, upon state land, grounds of the department of mental health, and to sever therefrom a white one story, wooden frame building in the gothic style with a gray roof, being eight hundred sixty-four square feet in size and commonly known as the "Confederate Chapel of Higginsville" and to remove such building to a location upon, and for attachment to the real property described in section 1 of this act.

Section 3. State funds, how and when used.—The department of natural resources shall expend no state funds for the moving, relocation, or restoration of the building specified in section 2, but may maintain the building out of state funds after relocation and restoration is completed.

Section 4. Renovating and restoration of structure, how.—The department of natural resources shall have the authority to permit not-for-profit groups and organizations to enter upon the land being conveyed, as described in section 1, for the purpose of renovating and restoring the structure as described in section 2.

Section 5. Attorney General to approve instrument of conveyance.—The attorney general shall approve the instrument of conveyance authorized in section 1.

Approved August 11, 1977.

[S. B. 124]

MILITARY AFFAIRS AND POLICE: Missouri National Guard.

AN ACT to assist in the maintenance of strength of the Missouri national guard by provision of a reenlistment or extension of service gratuity to enlisted personnel of the Missouri national guard.

SECTION

1. Reenlistment bonus authorized, how paid.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Reenlistment bonus authorized, how paid.—The adjutant general of the state of Missouri shall pay out of funds appropriated for this purpose to each individual who reenlists or extends his enlistment in the Missouri national guard the sum of one hundred dollars for each year of such reenlistment or extension. The maximum payment made to any individual for any one reenlistment or extension shall be six hundred dollars, payable in sums of one hundred dollars at the beginning of each year of service. No such payment shall be made until the individual satisfactorily completes all requirements established by the appropriate state and federal authorities for reenlistment or extension. Any reenlistment in the Missouri national guard must be accomplished within thirty days of the expiration of the preceding enlistment in order to be eligible for payment of this gratuity. Any member of the Missouri national guard who fails for any reason, except death or disability, to complete the period of reenlistment or extension for which he has received a gratuity under the provisions of this act shall be required to repay that part of the gratuity represented by the uncompleted portion of the reenlistment or extension contract. The adjutant general shall administer the provisions of this act. The provisions of this act shall terminate upon the resumption of inductions by the Federal Government under the provisions of the Universal Military Training and Service Act.

Approved June 8, 1977.

[H. B. 479]

MILITARY AFFAIRS AND POLICE: Division of Veterans' Affairs.

AN ACT to repeal the provisions of sections 42.010, 42.020, 42.030, 42.040, 42.050, 42.055, 42.060, 42.070, 42.080 and 42.090, RSMo 1969, relating to the division of veterans affairs, and to create in lieu thereof ten new sections relating to the same subject, with penalty provisions.

SECTION

1. Enacting clause.
- 42.010. Director of Veterans' Affairs, qualifications, how appointed.
- 42.020. Office to be in Jefferson City.
- 42.030. Duties of director and staff.
- 42.040. Director may administer oaths—seal of office.
- 42.050. Director to have access to pertinent state records.
- 42.055. Veterans' board members, qualifications, terms, duties.

SECTION

- 42.060. Staff, employment of—administrative assistant and service officer must be honorably discharged veteran.
- 42.070. Compensation of staff, how fixed.
- 42.080. Volunteers may be used—volunteered facilities and equipment may be used.
- 42.090. Acceptance of anything of value from veteran, his representative or dependant for services rendered them is a misdemeanor.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 42.010, 42.020, 42.030, 42.040, 42.050, 42.055, 42.060, 42.070, 42.080 and 42.090, RSMo 1969, are repealed and ten new sections enacted in lieu thereof, to be known as 42.010, 42.020, 42.030, 42.040, 42.050, 42.055, 42.060, 42.070, 42.080 and 42.090, to read as follows:

42.010. Director of Veterans' Affairs, qualifications, how appointed.—The director of the department of social services, by and with the advice of the veterans' board, shall appoint a director of veterans' affairs, who shall have served in the military forces of the United States of America and who has been honorably discharged therefrom. He shall receive as salary an amount to be determined by the director of social services. The director of veterans' affairs serves at the pleasure of the director of social services.

42.020. Office to be in Jefferson City.—The director of veterans' affairs shall maintain his office in Jefferson City, Missouri, and may establish, maintain, and operate the other offices within the state of Missouri that are necessary.

42.030. Duties of director and staff.—The director of veterans' affairs and all his subordinates and employees shall familiarize themselves with all laws, both federal and state, relating to the rights of ex-servicemen and women, their legal representatives and dependents. The director of veterans' affairs shall aid and assist veterans of all wars, their dependents or their legal representatives. He shall promote and supervise the dissemination by all available means, information concerning the rights of veterans of all wars, their legal representatives and dependents, in the state of Missouri, under the laws of the United States and the rules and regulations of all the several United States veterans' bureaus, boards, commissions, or other United States departments or authorities which are in any manner concerned with the interest and welfare of veterans and their dependents; and shall aid and assist all veterans, their legal representatives and dependents, living in the state of Missouri, in preparing, presenting, and prosecuting their claims for compensation, pensions, insurance benefits, hospitalization, rehabilitation, and in all other matters in which they may have a claim against the United States of America or any state arising out of or connected with their service in the military forces of the United States of America, and in prosecuting the claims to their conclusion, when authorized and empowered to do so by the veterans, their legal representatives or dependents. The director of veterans' affairs, in his discretion, may be designated as the attorney in fact by proper written powers of attorney executed by veterans, their legal representatives or dependents, to accomplish the purposes in this chapter specified. He may accept in carrying out the purposes of this chapter, and for no other purpose, grants of services, personnel or money, from any federal agency, or any political subdivision of the state, desiring to participate in the work of the director of veterans' affairs. He and his employees shall cooperate with the several offices of the United States Employment Service, the United States Veterans' Administration, and all other federal and state offices legally concerned with and interested in the welfare of veterans and their dependents. He shall accept and receive for distribution, and shall distribute, any federal or state funds which are available for veterans of the military forces of the United States of America, and if a bond is required as a condition to securing the funds, he shall execute the bond required. The director of veterans' affairs shall regularly meet with the veterans' board and report to that body on all matters relative to the objectives and duties prescribed by this section.

42.040. Director may administer oaths—seal of office.—The director of veterans' affairs shall have a seal of office, and, by himself or through his duly appointed employees, may administer oaths, and acknowledge powers of attorney in favor of the director of veterans' affairs or in favor of any veterans' organization chartered by act of the Congress of the United States, and other instruments that are used in connection with applications and matters pertaining to claims of any nature against the United States of America or any state under any law pertaining to the rights of veterans, their legal representatives and dependents, living within the state of Missouri.

42.050. Director to have access to pertinent state records.—The director of veterans' affairs shall have access to all the pertinent records of the state of Missouri, not designated as confidential records under any law of this state, its officers and departments, and all subdivisions of the state that may be of assistance in accomplishing the purposes of this chapter. Upon the written request of the director of veterans' affairs, the persons in charge of such records shall furnish him, without charge, authenticated or certified copies of the records that he designates.

42.055. Veterans' board members, qualifications, terms, duties.—1. The director of the department of social services shall appoint a veterans' board of not less

than six, nor more than nine members. The present advisory committee is abolished, the members of which will now be members of the veterans' board, and will continue to serve as such until the expiration of their duly appointed terms. Those appointed to the veterans' board will be members of nationally chartered veterans' groups with a statewide organizational structure. All appointments shall be made for a term of three years. Any vacancy occurring in a term of office shall be filled in the manner that regular appointments are made. The director of social services may remove a member for cause. Representation by any organization or group will be limited to two such members.

2. The veterans' board shall consult with and provide the director of social services with advice and counsel relative to the objectives and functions of this chapter.

3. The veterans' board shall convene at least quarterly to consult with and provide the director of veterans' affairs with advice and counsel relative to the objectives and duties as prescribed by section 42.030.

4. The members of the veterans' board shall receive no compensation for their services, but shall be reimbursed for necessary expenses actually incurred in the performance of their official duties within the state of Missouri.

5. Annually, the veterans' board shall select from among its members a chairman and vice chairman who shall preside and properly conduct official meetings of the board. Such chairman or vice chairman will not be representative members from the same veterans' organization or service group.

42.060. Staff, employment of—administrative assistant and service officer must be honorably discharged veteran.—The director of veterans' affairs shall employ, within the limits of funds appropriated for the purpose, an administrative assistant, service officers, attorneys, consultants, clerks, stenographers, and other employees that are necessary to properly carry out the provisions of this chapter. No person shall be employed as an administrative assistant or as a service officer who has not served in the military forces of the United States and been honorably discharged therefrom.

42.070. Compensation of staff, how fixed.—The salaries of the assistant, service officers, attorneys, consultants, clerks, stenographers, and other employees shall be determined and fixed by the director of veterans' affairs, not inconsistent with chapter 36, RSMo, and subject to the approval of the director of social services.

42.080. Volunteers may be used—volunteered facilities and equipment may be used.—The director of veterans' affairs may arrange for and accept, through such mutual arrangements as may be made, the volunteer service, equipment, facilities, properties, supplies, funds, and personnel of all veteran, welfare, civic and service organizations, and other organized groups, either similar or dissimilar to the preceding organizations, and individuals, in furtherance of the purposes of this chapter.

42.090. Acceptance of anything of value from veteran, his representative or dependant for services rendered them is a misdemeanor.—The director of veterans' affairs, his assistant, service officers, attorneys, consultants, and other employees shall not, for themselves, accept, receive, or charge any money, article or thing of value for the performance of any such service rendered to any veteran, his or her legal representatives, or dependents, at any time or in any manner, and any person who violates the provisions of this section is guilty of a misdemeanor.

Approved July 27, 1977.

[H. B. 478]

MILITARY AFFAIRS AND POLICE: Federal Soldiers' Home.

AN ACT to repeal sections 212.080, 212.090, 212.100, 212.110, 212.120, 212.130, 212.140, 212.145, and 212.150, RSMo 1969, relating to the Federal Soldiers' Home, and to enact in lieu thereof six new sections relating to the same subject.

SECTION

1. Enacting clause.
2. Missouri veterans' home to be maintained—superintendent, how appointed, duties of.
3. Persons entitled to admission.
4. Residents of home to pay for care, when—amount of payment, how determined.

SECTION

5. Gifts to home, how accepted—sale of real or personal property, procedure for.
6. Fund, name changed to Missouri Veterans' Home Fund.
7. Reports of superintendent, when required.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 212.080, 212.090, 212.100, 212.110, 212.120, 212.130, 212.140, 212.145, and 212.150, RSMo 1969, are repealed and six new sections enacted in lieu thereof, to be known as sections 2, 3, 4, 5, 6, and 7, to read as follows:

Section 2. Missouri veterans' home to pay for care, when—amount of payment, how determined.—1. The division of veterans affairs shall maintain a facility at St. James, Missouri, to be known as the Missouri veterans' home.

2. The director of the division of veterans' affairs shall appoint a superintendent of the Missouri veterans' home from those persons certified by the personnel division pursuant to chapter 36, RSMo.

3. The superintendent of the Missouri veterans' home, with the approval of the director of the division of veterans' affairs and the director of the department of social services, shall make all rules and regulations necessary for the management and administration of the home, employ the necessary personnel consistent with chapter 36, RSMo, and formulate rules for the admission or discharge of residents not inconsistent with the provisions of this act.

Section 3. Persons entitled to admission.—The persons entitled to admission into the Missouri veterans' home are citizens of the state of Missouri who have been honorably discharged, or discharged under honorable conditions, from service in any of the United States armed forces, and who, from a physical disability not the result of personal misconduct, are unable to support themselves. The spouse, surviving spouse, or aged parent of such honorably discharged veteran, or veteran discharged under honorable conditions, shall also be entitled to admission to the home if they are physically unable to support themselves.

Section 4. Residents of home to pay for care, when—amount of payment, how determined.—1. Each resident of the Missouri veterans' home who has a regular source of income or other financial means shall make monthly payments by the tenth of each month to defray, or partially defray, the cost of maintaining his residence at the home. The amount to be paid shall be determined by the superintendent, who, in making the determination, shall take into consideration the income or other financial means of the resident, and the average per capita cost of the care provided. Each type of care, domiciliary or nursing, shall be considered separately and the average per capita cost will be determined by dividing the total operating cost for the last full fiscal year for each type of care by the average number of residents receiving such care for that year, provided, however, that the home shall not charge or receive from any source more than the actual cost of care for any resident.

Section 5. Gifts to home, how accepted—sale of real or personal property, procedure for.—The superintendent may receive any grant or devise of land, or any gift or bequest of money or other personal property to the Missouri veterans' home at St. James, as an endowment of the Missouri veterans' home at St. James, thereby vesting

title to any such property in the governor of the state of Missouri for the sole use and benefit of the home. The governor, upon authorization by the general assembly, may sell, convey, or otherwise convert into money any such real property for the use and benefit of the home. Any proposed sale, conveyance, or conversion of other than real property shall be first approved by the director of the division of veterans' affairs and the director of the department of social services.

Section 6. Fund, name changed to Missouri Veterans' Home Fund.—The name of the "Federal Soldiers' Home Fund" in the state treasury is hereby changed to the "Missouri Veterans' Home Fund". All balances, claims, credits, liabilities or other appurtenances pertaining thereto shall remain unchanged. All moneys received by the home or any officer thereof for the benefit of the home from any source whatsoever, except the money referred to in section 5 of this act, shall be transmitted promptly to the state treasurer by the superintendent for deposit in the state treasury to the credit of the Missouri veterans' home fund.

Section 7. Reports of superintendent, when required.—The superintendent shall make annual or biannual reports of the activities of the home as required by the director of the division of veterans' affairs.

Approved July 27, 1977.

[H. C. S. H. B. 38, 219 and 244]

POLITICAL SUBDIVISIONS: Classes of counties.

AN ACT to repeal section 48.020, RSMo 1969, relating to classes of counties, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.
- 48.020. Classification of counties.

SECTION

- 48.030. Change in classification, when effective.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 48.020, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 48.020, to read as follows:

48.020. Classification of counties.—1. All counties of this state are hereby classified, for the purpose of establishing organization and powers in accordance with the provisions of section 8, article VI, Constitution of Missouri, into four classes determined as follows:

Class 1. All counties having an assessed valuation of four hundred million dollars and over shall automatically be in the first class after that county has maintained such valuation for the time period required by section 48.030. All counties having an assessed valuation of three hundred million dollars and over shall be in the first class after that county has maintained such valuation for the time period required by section 48.030, unless a majority of the qualified electors of the county voting at an election held for that purpose elect to remain in the second class until the county achieves an assessed valuation of four hundred million dollars for the specified time period.

Class 2. All counties having an assessed valuation of one hundred twenty-five million dollars and less than the assessed valuation necessary for that county to be in the first class shall automatically be in the second class after that county has maintained such valuation for the time period required by section 48.030. All counties having an assessed valuation of seventy million dollars and over shall be in the second class after that county has maintained such valuation for the time period required by section 48.030, unless a majority of the qualified electors of the county voting at an election held for that purpose elect to remain in the third class until the county achieves as assessed valuation of one hundred twenty-five million dollars for the specified time period.

Class 3. All counties having an assessed valuation of ten million dollars and less than the assessed valuation necessary for that county to be in the second class shall automatically be in the third class after that county has maintained such valuation for the time period required by section 48.030.

Class 4. All counties having an assessed valuation of less than ten million dollars shall be in the fourth class.

2. Whenever a county of the second class achieves an assessed valuation of three hundred million dollars or a county of the third class achieves an assessed valuation of seventy million dollars, it shall move into the next higher class after maintaining that valuation for the time period specified in section 48.030, unless the governing body of the county submits the question of remaining in the county's present class to a vote of the qualified electors of the county at the general election next following the certification by the state equalizing agency for the required number of successive years that the county possesses an valuation qualifying it to move to the higher class. The ballot of submission shall contain, but not be limited to, the following language:

- ☐ For the County remaining in the Class.
☐ Against the County remaining in the Class.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are against the county remaining in its present class, than at the beginning of the county fiscal year following the election, the county shall move into the higher class. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of remaining in the present class, the county shall remain in the class it is in at the time of the election and shall not move into the higher class unless and until such move is approved by a majority of the voters of the county or until the county achieves the assessed valuation necessary for an automatic move into that class as provided in subsection 1. If the voters vote for the county to remain in its present class, no further election shall be held on the proposal until the next succeeding state general or primary election.

48.030. Change in classification, when effective.—No county shall move from a lower class to a higher class until the assessed valuation of the county is such as to place it in the other class for five successive years; except that, a county of the second class may become a county of the first class if the assessed valuation of the county is such to place it in the first class for three successive years. The change from one classification to another shall become effective at the beginning of the county fiscal year following the next general election after the certification by the state equalizing agency for the required number of successive years that the county possesses an assessed valuation placing it in another class. If a general election is held between the date of the certification and the end of the current fiscal year, the change of classification shall not become effective until the beginning of the county fiscal year following the next succeeding general election. No county shall move from a higher class to a lower class if the sole reason for such move is that the assessed valuation necessary to attain the higher classification is raised above the level which was necessary for the county to attain the classification at the time the county attained such classification.

Approved June 8, 1977.

[C. C. S. S. H. B. 286]

POLITICAL SUBDIVISIONS: Motor vehicle speed limits.

AN ACT relating to motor vehicle speed limits in certain second class counties, with penalty provisions.

SECTION

1. County court may set speed limits, where (second class counties).

SECTION

2. Violation of sections 1, 2 and 3 a misdemeanor (second class counties).

SECTION

3. Emergency vehicles exempted—exception to limits authorized in sections 1 to 3 (second class counties).

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. County court may set speed limits, where (second class counties).—Notwithstanding other provisions of law, the county court of any county of the second class may set a speed limit on any county road, not within the limits of any incorporated city, town, or village, lower than that otherwise provided by law. However, in no case shall the speed limit be set lower than twenty-five miles per hour. The court shall send copies of any such order to the superintendent of the state highway patrol. After the roads have been properly marked by signs indicating the speed limits set by the county court, the speed limits so set shall be in full force and effect.

Section 2. Violation of sections 1, 2 and 3 a misdemeanor (second class counties).—Any person who violates any provision of this act is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

Section 3. Emergency vehicles exempted—exception to limits authorized in sections 1 to 3 (second class counties).—The limits on speed set by this section do not apply to the operation of any emergency vehicle as defined in Section 304.022, RSMo. Nothing in this act shall make the speeds prescribed therein lawful in a situation that requires lower speed for compliance of the basic rule declared in Sub Section 1 of Section 304.010, RSMo.

Approved July 19, 1977.

[S. B. 314]

POLITICAL SUBDIVISIONS: Borrowing by counties of the first class in anticipation of taxes and revenues.

AN ACT to repeal Section 50.065, RSMo 1969, relating to borrowing by counties of the first class in anticipation of taxes and revenues and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
50.065. Borrowing by first class counties authorized, limitations on—tax anticipation warrants, procedure for issue and redemption.

SECTION

- 50.095. Notes not to issue until revenue estimate made—limitation on amount issued—form of note (first class counties).

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 50.065, RSMo 1969, is repealed and two new sections enacted in lieu thereof to be known as sections 50.065 and 50.095, to read as follows:

50.065. Borrowing by first class counties authorized, limitations on—tax anticipation warrants, procedure for issue and redemption.—The County Court or other governing body of counties of the first class may borrow money in anticipation of the collection of taxes and revenues for the current fiscal year. The amount of such loans shall at no time exceed ninety-five percent of the estimated collectible taxes and revenues for the year yet uncollected. The county court or other governing body of the county shall determine the amount and terms of such loans, and shall execute and issue warrants of the county for all money so borrowed to the lenders thereof as evidence of such loans and of the terms of the county's obligation to repay the same; and immediately before their delivery to such lenders such warrants shall be registered in

the office of the clerk of the county court or of any other governing body of the county, and upon delivery shall also be registered in the office of the county treasurer by entry upon the books provided pursuant to section 50.220, correctly stating the date, amount, serial number, in whose favor drawn, by whom presented and the date presented to the treasurer for registration, and such warrants so issued and registered in connection with such loans shall have preference and priority in payment, from the date of their registration by the treasurer, over all warrants subsequently issued, and over all prior issued and then unregistered warrants.

50.095. Notes not to issue until revenue estimate made—limitation on amount issued—form of note (first class counties).—In counties of the first class authorized to borrow in anticipation of revenue pursuant to section 50.065, the notes authorized pursuant to section 50.080 shall not be issued until after the anticipated revenue for the year has been estimated, as herein provided in section 50.110. The total principal amount of such notes issued shall not exceed ninety-five percent of the total anticipated revenue in any such county in any one year but in no event shall said notes be issued if there be on hand general revenues sufficient to pay the general operating expenses of the county. Tax anticipation notes issued by counties of the first class pursuant to sections 50.065 and 50.080 shall be entitled "(Name of County) County Tax Anticipation Note" and shall not be further identified as to a particular county fund or purpose.

Approved July 19, 1977.

[S. B. 461]

POLITICAL SUBDIVISIONS: Duty of county clerk to keep county ward book.

AN ACT to repeal Section 51.160, R.S. Mo. 1969, relating to duty of county clerk to keep county ward book.

SECTION

1. Repealing clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Repealing clause.—Section 51.160, R.S. Mo. 1969, is repealed.

Approved July 19, 1977.

[C. C. S. S. B. 9]

POLITICAL SUBDIVISIONS: Compensation of certain county collectors.

AN ACT to repeal sections 52.140 and 52.250, RSMo 1969 and sections 52.260 and 52.270, RSMo Supp. 1975, relating to the compensation of certain county collectors and to enact in lieu thereof five new sections relating to the same subject and imposing an extra duty, with an effective date and a termination date.

SECTION

1. Enacting clause.
- 52.140. Branch office—location (third class counties).
- 52.250. Compensation (third and fourth class counties).
- 52.260. County collector's commission (second, third and fourth class counties).

SECTION

- 52.270. Commissions and fees, limitation on.
2. Extra duties and compensation.
 - A. Effective dates of sections 52.140, 52.260, 52.270, 1 and 2.
 - B. Expiration date for section 2.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 52.140 and 52.250, RSMo 1969, and sections 52.260 and 52.270, RSMo Supp. 1975, are repealed and five new sections enacted in lieu thereof, to be known as sections 52.140, 52.250, 52.260, 52.270 and section 2, to read as follows:

52.140. Branch office—location (third class counties).—In all such counties where the collector of the revenue is required by section 52.120 to maintain a branch office as provided in section 52.120, he shall be allowed to retain, in addition to the amount now authorized by law, three-fourths of one percent of all taxes collected to cover the additional expense of maintaining such branch office. If the amount retained under this section is more than sufficient to pay the salaries for the deputy and clerical hire in the branch office, all excess amounts shall be paid into the county treasury.

52.250. Compensation (third and fourth class counties).—The collectors in third class counties shall receive one-half of one percent and the collectors in fourth class counties shall receive one percent of all current taxes collected, including current delinquent taxes, exclusive of all current railroad and utility taxes collected, as compensation for mailing said statements and receipts. Said compensation shall not exceed ten thousand dollars per year except in those counties where the collector of revenue is required by section 52.120 to maintain a branch office in which case said compensation shall not exceed the sum of twelve thousand dollars per year and shall be exclusive of and unaccountable in the maximum commissions now provided in section 52.260 to 52.280. Any sums in excess of the amount herein specified shall be paid into the county treasury.

52.260. County collector's commission (second, third and fourth class counties).—The collector in counties not having township organization, except in counties of the first class not having a charter form of government, shall collect and retain the following commissions for collecting all state, county, bridge, road, school, back and delinquent, and all other local taxes, including merchants', manufacturers' and liquor and beer licenses, other than ditch and levee taxes, and the commissions constitute his compensation except in counties where the collector is paid a salary in lieu of fees:

(1) In all counties wherein the total amount levied for any one year exceeds two hundred and fifty thousand dollars and is less than three hundred and fifty thousand dollars, a commission of two and one-half per cent on the amount collected;

(2) In all counties wherein the total amount levied for any one year exceeds three hundred and fifty thousand dollars and is less than two million dollars, a commission of two and one-half per cent on the first three hundred and fifty thousand dollars collected and one per cent on whatever amount may be collected over three hundred and fifty thousand dollars;

(3) In all counties wherein the total amount levied for any one year exceeds two million dollars, a commission of one per cent on the amounts collected.

52.270. Commissions and fees, limitation on.—1. No collector in the classifications indicated in subdivisions (1) and (2) of section 52.260 is allowed to retain commissions and fees provided thereby in any one year in excess of the following amounts: In any county coming within the provisions of subdivision (1) of section 52.260, not more than seven thousand dollars; in any county coming within the provisions of subdivision (2) of section 52.260, not more than eight thousand dollars; and all fees and commissions coming into the hands of any collector from any source whatever in excess of the amounts herein specified shall be paid into the county treasury. Each collector, once in each year, shall file in the county court or in the office of the comptroller of each city not in a county, a statement, under oath, of the amount of fees and commissions received by him and from what source, and shall immediately pay over the excess according to the order of county court or comptroller.

2. The collector of revenue in any county within the classification of subdivision (3) of section 52.260 shall present for allowance proper vouchers for all disbursements made by him on account of salaries and expenses of his office and other costs of collecting the revenue, which shall be allowed as against the commissions collected by him; and out of the residue of commissions in his hands after deducting the amounts so allowed, the collector may retain a compensation for his services at the rate of ten thousand dollars per year. If the residue of commissions is less than sufficient to pay the above compensation, the entire residue shall be allowed to him as full payment for his services. If the residue is more than sufficient to pay the compensation, the surplus shall be paid over to the county.

3. The limitation on the amount to be retained as herein provided applies to fees and commissions on current taxes, but does not apply to commissions on the collection of back and delinquent taxes and ditch and levee taxes nor to fees provided by section 52.250.

Section 2. Extra duties and compensation.—1. The collector in counties of the third or fourth class, not having township organization, wherein the total amount assessed and levied for any one year is less than two million dollars, shall on or before December thirty-first of each year send appropriate notices of the total amount of delinquent real estate taxes due and owing to each person shown by his records as owing delinquent taxes.

2. For the performance of the duties imposed by subsection 1 of this section, the collectors in counties of the third and fourth class shall be allowed to retain, in addition to all other amounts permitted by law, a commission based on the following percentage of all taxes collected by him in each year:

(1) In all counties where the total amount assessed and levied for any one year exceeds two hundred fifty thousand dollars and is less than three hundred fifty thousand dollars an additional commission of one percent on the first two hundred thousand dollars collected;

(2) In all counties where the total amount assessed and levied for any one year exceeds three hundred fifty thousand dollars and is less than two million dollars, an additional commission of one percent on the first two hundred fifty thousand dollars collected.

Section A. Effective dates of sections 52.140, 52.260, 52.270, 1 and 2.—Sections 52.140, 52.260, 52.270 and section 1 shall become effective on the first Monday in March in the year 1979. Section 2 shall become effective September 29, 1977.

Section B. Expiration date for section 2.—The provisions of section 2 shall expire on the first Monday in March in the year 1979.

Approved July 27, 1977.

(C. C. S. H. C. S. S. B. 122 and 289)

POLITICAL SUBDIVISIONS: Compensation and duties of certain county officials.

AN ACT relating to the compensation and duties of certain county officials in second class counties.

SECTION

1. Certification of delinquent taxes to county court required—compensation for extra duty (second class counties).
2. Audit of county investment programs required—compensation for extra duty (second class counties).

SECTION

3. Sheriff to establish personal property identification system—compensation for extra duties (second class counties).

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Certification of delinquent taxes to county court required—compensation for extra duty (second class counties).—1. In all counties of the second class, the county collector shall, at the time he makes his annual settlement, certify to the county court the amount of state and county current and delinquent taxes, including both tangible, personal property and real estate taxes.

2. For the performance of the duties imposed by subsection 1 of this section, the county collector shall annually receive as compensation, in addition to all other compensation provided by law, payable in equal monthly installments out of the county treasury, the amount of three thousand dollars.

Section 2. Audit of county investment programs required—compensation for extra duty (second class counties).—1. In addition to all other duties imposed upon the county auditor in all counties of the second class, he shall audit all investment programs of the county and shall audit all special road districts within the county, and shall, upon completion thereof, report the findings of such audits to the county court and state auditor.

2. For the additional duties imposed by subsection 1 of this section, each auditor shall annually receive additional compensation which shall be paid at the same time and in the same manner as his other compensation is paid to him. The amount of additional compensation shall be three thousand dollars.

Section 3. Sheriff to establish personal property identification system—compensation for extra duties (second class counties).—1. In all counties of the second class, the sheriff shall establish and make available an identification system for the identification of personal property. Anyone, upon application to a sheriff, shall be assigned an identification number to be composed of at least ten characters which will readily permit law enforcement officials of this state, in cooperation with officials in other states using interstate computerized law enforcement communication systems and other methods to recover stolen property. The identification number should follow substantially the following form:

Mo	026	0001	D	→	M00260001D
↓	↓	↓	↓		
			First letter of last name of applicant		
		Applicant's assigned number			
	County National Crime Information Center assigned number				
Prefix for Missouri					

New owners of any marked property should be encouraged by the sheriff to mark their identification number below the previous owner's mark for uniformity and ease of identification.

2. The sheriff shall receive, annually, for the additional duties imposed by subsection 1 of this section and in addition to all other compensation allowed by law, the sum of three thousand dollars, payable in twelve equal monthly installments out of the county treasury.

Approved July 7, 1977.

AN ACT to repeal sections 65.240, 65.245, 150.070, and 150.340, RSMo 1969, and sections 53.071, 137.330, and 137.530, RSMo Supp. 1975, relating to the compensation of county assessors, the payment of a part of the assessments costs by the state, and the duties of the county clerk and collector regarding the county tax books, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date.

SECTION

1. Enacting clause.
- 53.071. Compensation of assessor (second, third and fourth class counties).
- 65.240. Compensation of township assessors.
- 65.245. Township assessors.
- 137.700. State to pay part of all assessor's costs and expenses—amount, how determined.
- 137.710. State to pay part of assessors, deputies, clerks and other employee's salaries—amount, how determined.

SECTION

- 150.070. Clerk to extend tax book and deliver to collector—compensation for such duty, state to pay one-half—fee for such service in township counties.
- 150.340. Clerk to extend taxes, compensation for such duty—state to pay one-half.
2. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 65.240, 65.245, 150.070, and 150.340, RSMo 1969, and sections 53.071, 137.330, and 137.530, RSMo Supp. 1975, are repealed and seven new sections enacted in lieu thereof, to be known as section 53.071, 65.240, 65.245, 137.700, 137.710, 150.070 and 150.340, to read as follows:

53.071. Compensation of assessor (second, third and fourth class counties).—

1. The salary of each county assessor, except in counties of the first class, shall be determined as follows:

(1) In counties with an assessed valuation of less than five million dollars, a salary of five thousand dollars per year;

(2) In counties with an assessed valuation of at least five million dollars but less than ten million dollars, a salary of five thousand five hundred dollars per year;

(3) In counties with an assessed valuation of at least ten million dollars but less than fifteen million dollars, a salary of six thousand five hundred dollars per year;

(4) In counties with an assessed valuation of at least fifteen million dollars but less than twenty million dollars, a salary of eight thousand dollars per year;

(5) In counties with an assessed valuation of at least twenty million dollars but less than twenty-five million dollars, a salary of eight thousand five hundred dollars per year;

(6) In counties having an assessed valuation of at least twenty-five million dollars but less than thirty million dollars, a salary of nine thousand dollars per year;

(7) In counties having an assessed valuation of at least thirty million dollars but less than forty million dollars, a salary of ten thousand dollars per year;

(8) In counties having an assessed valuation of at least forty million dollars but less than fifty million dollars, a salary of eleven thousand dollars per year;

(9) In counties having an assessed valuation of at least fifty million dollars but less than fifty-five million dollars, a salary of eleven thousand five hundred dollars per year;

(10) In counties having an assessed valuation of at least fifty-five million dollars but less than sixty million dollars, a salary of twelve thousand dollars per year;

(11) In counties having an assessed valuation of at least sixty million dollars but less than sixty-five million dollars, a salary of twelve thousand five hundred dollars per year;

(12) In counties having an assessed valuation of at least sixty-five million dollars but less than seventy million dollars, a salary of thirteen thousand dollars per year;

(13) In counties having an assessed valuation of at least seventy million dollars but

less than five hundred million dollars, a salary of thirteen thousand five hundred dollars per year.

2. For the purpose of computing an assessor's compensation, the term "assessed valuation" means the total assessed valuation of his county as computed by the state tax commission for the tax year in which the September first, which begins the year of incumbency for which the annual compensation is computed, falls. The state tax commission shall provide the department of revenue with each such computation of valuation made by them.

3. In counties of the first class not having a charter form of government in which the assessor has entered into a contract with a city providing for the assessment of property in the municipality by the county assessor, all fees for this service received from the city pursuant to the contract shall be paid into the county treasury. As compensation for such assessment, the county assessor may, in addition to the compensation provided for in section 53.072, RSMo Supp. 1973, receive out of the county treasury an annual amount to be determined by the governing body of the county, but not to exceed the amount of fees received from the city pursuant to the contract for that year.

65.240. Compensation of township assessors.—The ex officio township assessor in each township, in counties of the third and fourth classes, which now or may hereafter have township organization, as compensation for his services, shall receive sixty-five cents for each list taken by him; and for each tract of land or town lot assessed by him, and properly entered in the township land book, he shall receive ten cents; and for each entry in the tangible personal property tax book, he shall receive five cents. All the personal property listed belonging to any one individual, or to husband and wife, or to any company or firm shall constitute only one list and all the land owned by the same person in any one section shall constitute but one tract, and all the land owned by any one person in any one block shall constitute but one lot, as to compensation. The assessor in counties of the third and fourth class shall place the street address or rural route and post-office address opposite the name of each taxpayer on the tangible personal property assessment book.

65.245. Township assessors.—The ex officio township assessor in each township, in counties of the third and fourth classes, which now or may hereafter have township organization shall receive for visiting the establishments of each merchant and manufacturer as required by sections 150.055 and 150.325, RSMo, a fee of forty-five cents, and for making each report required by sections 150.060 and 150.330, RSMo, a fee of six cents.

137.700. State to pay part of all assessor's costs and expenses—amount, how determined.—1. A portion of all the costs and expenses of the assessor of each county and each city not within a county and of the ex officio township assessor in each township in counties having township organization, incurred for the prior year in making the assessment and preparing abstracts of assessment lists and tax bills shall be paid by the state. The state shall pay one-half of such costs and expenses incurred in the year 1976 and each year thereafter shall pay the amount paid for the previous year plus not more than a five percent increase over that amount, but the amount paid by the state shall in no year exceed one-half of the actual costs and expenses incurred.

2. When the amount due has been determined by the state director of revenue, he shall pay such claim out of funds appropriated for that purpose.

137.710. State to pay part of assessors, deputies, clerks and other employee's salaries—amount, how determined.—1. A portion of the salary for the prior year of the assessor, deputies, clerks, officers and other employees of all counties and cities not within a county charged with duties imposed by law upon assessors, their clerks, deputies, officers and employees shall be paid by the state. The state shall pay one-half of such salaries for the year 1976 and each year thereafter shall pay the amount paid for

the previous year plus not more than a five percent increase over that amount, but the amount paid by the state shall in no year exceed one-half of the actual salaries.

2. A portion of all fees or other compensation provided by law for the ex officio township assessor in each township in counties having township organization in connection with making the assessment and preparing abstracts of assessment lists and tax bills shall be paid by the state. The state shall pay one-half of such fees or other compensation for the year 1976 and each year thereafter shall pay the amount paid for the previous year plus not more than a five percent increase over that amount, but the amount paid by the state shall in no year exceed one-half of the actual fees or other compensation provided by law.

3. When the amount due has been determined by the state director of revenue, he shall pay such claims out of funds appropriated for that purpose.

150.070. Clerk to extend tax book and deliver to collector—compensation for such duty, state to pay one-half—fee for such service in township counties.—After the county board of equalization shall have completed the equalization of such statements, the clerk of the county court shall extend on such book all proper taxes at the same rate as assessed for the time on real estate, and he shall, on or before the first day of November thereafter, make out and deliver to the collector a copy of such book, properly certified, and take the receipt of the collector therefor, which receipt shall specify the aggregate amount of each kind of taxes due thereon, and the clerk shall charge the collector with the amount of such taxes; and such clerk shall receive as compensation for making such tax book, copy, filing statements, and certifying the same the sum of six cents for each name or firm, one-half payable by the county, and the other by the state, provided, that in counties of the first class and the city of St. Louis, any compensation provided for herein, received by the clerk of the county court, shall be paid into the county or city treasury, as provided by law.

2. The county assessor and the township assessors in all counties under township organization shall receive as compensation for services in taking the statements herein required and entering them in the book herein provided for, the sum of twenty-five cents for each statement.

150.340. Clerk to extend taxes, compensation for such duty—state to pay one-half.—1. After the equalization has been completed, the county clerk shall extend on the book all proper taxes at the same rate as assessed for the time on real estate, and on or before the first day of November thereafter, he shall make out and deliver to the collector a copy of such book, properly certified, and take the collector's receipt therefor, which receipt shall specify the aggregate amount of each kind of taxes due thereon, and the clerk shall charge the collector with the amount of such taxes.

2. The county clerk shall receive as compensation for making the tax book, copy, filing statements, and certifying the same, the sum of six cents for each name or firm, one-half payable by the county, the other by the state. The members of the board of equalization shall receive the same per diem for services under section 150.300 to 150.370 as fixed by law in relation to general property. In counties of the first class and the city of St. Louis the compensation herein provided shall be paid to the county or city treasury and not to the individual.

Section 2. Effective date.—This act shall become effective January 1, 1978.

Approved July 26, 1977.

[H. B. 726]

POLITICAL SUBDIVISIONS: Disposition of tissues and organs for purposes of research, education and therapy.

AN ACT relating to the disposition of tissues and organs for purposes of research, education and therapy from a dead body upon which an autopsy has been performed.

SECTION

1. Pituitary gland to be retained when autopsy is performed unless decedent or next of kin has indicated a contrary intention.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Pituitary gland to be retained when autopsy is performed unless decedent or next of kin has indicated a contrary intention.—When an autopsy is performed by a coroner's physician or medical examiner under authority granted by sections 58.451, and 58.725, RSMo, the physician or medical examiner may retain the pituitary gland removed at the time of autopsy unless a contrary indication was given by the decedent or is declared by the next of kin for purposes of medical research, education and therapy.

Approved July 26, 1977.

[S. B. 112]

POLITICAL SUBDIVISIONS: County recorders of deeds.

AN ACT to repeal section 59.310, RSMo 1969, relating to county recorders of deeds, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.
- 59.310. Page, defined—type size requirement—signatures to have typed or printed name of signer—recorder's fees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 59.310, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 59.310, to read as follows:

59.310. Page, defined—type size requirement—signatures to have typed or printed name of signer—recorder's fees.—1. As used in this section, "page" means any writing, printing or drawing covering all or part of one side of a paper, other than a plat, not larger than 8½ inches x 14 inches, or of a plat not larger than 18 inches x 24 inches, with the following conditions:

(1) Should sufficient space not be provided for the necessary recording information and certification on a document, said recording information and certification shall be placed on an added sheet and such sheet shall be counted as a page;

(2) The size of print or type on any document to be recorded shall not be smaller than 8 point. Should any document to be recorded contain type smaller than 8 point, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(3) The document must be of sufficient legibility so as to produce a clear and legible reproduction thereof. Should a document not be of sufficient legibility so as to produce a clear and legible reproduction, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(4) Any attachment which extends the length of the page, and any deed or document larger than 8½ inches x 14 inches other than a plat or survey, shall be counted as an additional page for each additional 8½ inches x 14 inches or fraction thereof. Any

plat or survey larger than 18 inches x 24 inches shall be counted as an additional page for each additional 18 inches x 24 inches or fraction thereof.

2. Any signature on a document shall have the corresponding name typed, printed or stamped underneath said signature.

3. Recorders shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: \$3.00 for the first page and \$2.00 for each page thereafter;

(2) For copying or reproducing any recorded instrument: \$1.00 for each page;

(3) For every certificate and seal, except when recording an instrument: 50¢;

(4) For recording a plat or survey of a subdivision: \$25.00 for each page;

(4a) For recording a survey of one tract of land, in the form of one page: \$5.00 per page;

(5) For copying a plat or survey: \$5.00 for each page;

(6) For every certified copy of a marriage license or application for a marriage license: \$1.50.

The only additional fee over and above this is the \$1.00 state user fee on all documents that convey real estate, and a 25¢ fee for identifying each note to an instrument when a document is recorded that creates a lien against the real estate.

Approved June 14, 1977.

[S. B. 385]

POLITICAL SUBDIVISIONS: Compensation for making surveys in counties of the first class not having a charter form of government.

AN ACT to repeal section 61.141, RSMo Supp. 1975, relating to the compensation for making surveys in counties of the first class not having a charter form of government, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

61.141. Fees for surveys, advance payment required (certain first class counties).

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 61.141, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 61.141, to read as follows:

61.141. Fees for surveys, advance payment required (certain first class counties).—The highway administrator may charge such fees as may be agreed upon by him and the party requesting, or for whose benefit, such work is to be done, for doing, performing or furnishing any field or survey work as herein provided. No highway administrator or appointee of the highway administrator shall execute a survey ordered by any person, court, firm or corporation until the agreed price has been tendered in payment therefor. The highway administrator or his appointee shall not retain any fees, but all fees of whatever nature whatsoever collected by the highway administrator or his appointee shall be turned into the county treasury at least annually and before the end of the county fiscal year; except that if the registered and licensed surveyor appointed to perform the survey pursuant to the provisions of section 61.101 is not on the staff of the highway administrator and receiving a salary paid in regular installments by the county, he may retain the fee charged for performing the survey.

Approved June 14, 1977.

[H. C. S. S. S. B. 234]

POLITICAL SUBDIVISIONS: Sales tax in certain counties.

AN ACT relating to a sales tax in certain counties, with penalty provisions.

SECTION

1. County sales tax authorized, when—form of ballot—rate—bracket (St. Louis County).
2. Taxable transactions (St. Louis County).
3. Director of revenue to collect tax for county (St. Louis County).
4. Tax to be imposed and collected in same manner as state tax (St. Louis County).

SECTION

5. County Sales Tax Trust Fund created—tax revenue, how distributed—bond required.
6. County sales and use taxes on motor vehicles, how collected (St. Louis County).
7. Delinquent county sales tax, procedure for collection and penalties (St. Louis County).

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. County sales tax authorized, when—form of ballot—rate—bracket (St. Louis County).—1. The governing body of any county of the first class having a charter form of government and not containing a city with a population of four hundred thousand or more may by adopting an ordinance, impose a countywide sales tax for the benefit of both the incorporated and the unincorporated areas of the county; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of this act shall be at variance with the provisions as set forth in this act, and no ordinance shall be effective unless the governing body of the county submits to the voters of the county, at a countywide general or primary election or at a special election called for that purpose, a proposal to authorize the governing body of the county to impose a tax under the provisions of this act. The ballot of submission shall contain, but not be limited to, the following language:

- ☐ For the sales tax
- ☐ Against the sales tax

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the tax under the provisions of this act, and such proposal is approved by a majority of the qualified voters voting thereon. If a county sales tax is imposed by the governing body of a county, no city sales tax may be imposed by any city, town or village which is wholly or partially within the county, pursuant to the provisions of sections 94.500 to 94.570, RSMo, so long as the county sales tax is in effect, and any ordinance which may have been enacted to impose such a tax prior to the effective date of the county sales tax as set forth in this act shall be void and of no effect on and after the effective date of the county sales tax as set forth in this act, but shall again become effective without further action if the county sales tax is repealed.

2. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting the tax, if the property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.510, RSMo.

3. Within ten days after the adoption of the ordinance, the county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the governing body. The ordinance shall reflect the effective date thereof and shall be accompanied by a map of the county clearly showing the boundaries thereof.

4. The tax shall become effective on the first day of the second calendar quarter

after the director of revenue receives notice of adoption of the tax, or on February 1, 1978, if notice is received by the director of revenue prior to December 31, 1977.

5. In each county in which a county sales tax has been imposed in the manner provided by this act, every retailer shall add the tax imposed by the sales tax law of the state of Missouri and the tax imposed by this act to his sale price, and when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and the county sales tax shall be the sum of the two rates, multiplying the combined tax rate times the amount of the sale.

6. In counties imposing a tax under provisions of this act, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the following brackets shall be applicable to all taxable transactions and shall be used in lieu of those provided in Section 144.285, RSMo, provided, however, that the director of revenue shall establish appropriate brackets as may be required by Section 94.605, RSMo:

Transaction	Tax
\$0.00-\$0.12	None
.13- .29	.01
.30- .49	.02
.50- .75	.03
.76- .99	.04
1.00- 1.23	.05
1.24- 1.47	.06
1.48- 1.71	.07
1.72- 1.96	.08
1.97- 2.20	.09
2.21- 2.44	.10
2.45- 2.68	.11
2.69- 2.93	.12
2.94- 3.17	.13
3.18- 3.41	.14
3.42- 3.65	.15
3.66- 3.90	.16
3.91- 4.14	.17
4.15- 4.38	.18
4.39- 4.62	.19
4.63- 4.87	.20
4.88- 5.11	.21
5.12- 5.35	.22
5.36- 5.59	.23
5.60- 5.84	.24

The brackets set forth between \$.76-\$.99 and \$5.60-\$5.84 shall be projected in the same ratio for all sales of amounts larger than those shown in the table.

Section 2. Taxable transactions (St. Louis County).—The ordinance imposing the county sales tax under the provisions of this act shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.510, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the one percent imposed by the ordinance as the county sales tax. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.510, RSMo, and the tax imposed by the ordinance as authorized by this act.

Section 3. Director of revenue to collect tax for county (St. Louis County).—

After the effective date of any tax imposed under the provisions of this act, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this act. The tax imposed hereunder and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

Section 4. Tax to be imposed and collected in same manner as state tax (St. Louis County).—1. The following provisions shall govern the collection by the director of revenue of the tax imposed by this act:

(1) All applicable provisions contained in sections 144.010 to 144.510, RSMo, governing the state sales tax shall apply to the collection of the tax imposed by this act, except as modified in this act.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.510, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this act.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this act, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this act.

3. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under that act are hereby allowed and made applicable to any taxes collected under the provisions of this act.

4. The penalties provided in sections 144.010 to 144.510, RSMo for a violation of that act are hereby made applicable to violations of this act.

5. For the purposes of a sales tax imposed by an ordinance pursuant to this act all retail sales shall be deemed to be consummated at the place of business of the retailer except for (1) tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and (2) except for the sale of motor vehicles which is provided for in Section 6 of this act. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

Section 5. County Sales Tax Trust Fund created—tax revenue, how distributed—bond required.—1. All county sales taxes collected by the director of revenue under this act on behalf of any county, less two percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this act, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the state treasurer shall distribute all monies deposited in the trust fund during the preceding month to the county which levied the tax, said funds shall be deposited

with the county treasurer of said county and all expenditures of funds arising from the County Sales Tax Trust Fund shall be by an appropriation act to be enacted by the legislative council of said county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in this act.

2. For the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.570 RSMo on the day prior to the adoption of the county sales tax ordinance. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.570 RSMo on the day prior to the adoption of the county sales tax ordinance and shall also include all unincorporated areas of the county which levied the tax. The state treasurer shall distribute to the cities, towns and villages in Group A the taxes based on the location in which the sales were deemed consummated under section 4 and section 6 of this act. After distribution to the cities, towns and villages in Group A, the state treasurer shall distribute the remaining funds in the County Sales Tax Trust Fund to the cities, towns and villages and the county in Group B as follows: to the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of Group B; and to each city, town or village in Group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of Group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of Group B; provided, however, the provisions of sections 94.500 to 94.570 RSMo notwithstanding, no monies from the County Sales Tax Trust Fund shall be distributed to incorporated areas with a population of less than four hundred which do not have a sales tax in effect pursuant to sections 94.500 to 94.570 RSMo on the effective date of the county sales tax as set forth in this act, as said monies instead shall be distributed to the county which levied the tax.

For the purpose of this act, population shall be as determined by the last Federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. After the adoption of the county sales tax ordinance, any city, town or village in Group A may by adoption of an ordinance by its governing body cease to be a part of Group A and become a part of Group B.

Beginning in 1980 and during every tenth year thereafter only, any such city, town or village which transfers from Group A to Group B may by adoption of an ordinance by its governing body cease to be a part of Group B and once again become a part of Group A. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of January of the second year following such notification to the director of revenue. Once a Group A city, town or village becomes a part of Group B, such city may transfer back to Group A only once.

3. If any city, town, or village shall hereafter change or alter its boundaries, the

city clerk of the municipality shall forward to the director of revenue by registered mail a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by this act shall be redistributed and allocated in accordance with the new boundary disposition on the effective date of the change of the municipal boundary. If any area of the unincorporated county elects to incorporate with a resulting municipal population of one thousand or more subsequent to the effective date of the county sales tax as set forth in this act, the governing body of said newly incorporated municipality may, by the adoption of an ordinance, elect to become a part of either Group A or Group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue by registered mail, a certified copy of the incorporation election returns, a certified copy of the ordinance making the election to become a part of either Group A or Group B and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns, ordinance and map, the tax imposed by this act shall be distributed and allocated in accordance with the new municipal boundary and distribution group selection on the effective date of the incorporation.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may authorize the treasurer to redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

5. The director of revenue shall annually report on his management of the trust fund and administration of the county sales taxes. He shall provide each county imposing the tax authorized by this act with a detailed accounting of the source of all funds received by him for the county. Notwithstanding any other provisions of law, the state auditor shall annually audit the trust fund. A copy of the director's report and annual audit shall be forwarded to each county imposing the tax.

6. The director of revenue and any of his deputies, assistants and employees, who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this act shall enter a surety bond or bonds payable to any and all counties in whose behalf such funds have been collected under this act in the amount of one hundred thousand dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collections retained by the director of revenue for the benefit of the state.

Section 6. County sales and use taxes on motor vehicles, how collected (St. Louis County).—County sales taxes imposed pursuant to this act and use taxes on the purchase and sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county imposing a county sales tax. The amounts so collected, less the two percent collection cost, shall be

deposited in the county sales tax trust fund to be distributed in accordance with section 5 of this act, and such purchase or sale of motor vehicles shall be deemed to be consummated at the address of the applicant.

Section 7. Delinquent county sales tax, procedure for collection and penalties (St. Louis County).—1. In any county where the county sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this act or in the event a determination has been made against him for taxes and penalty under this act, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.510, RSMo. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this act, the director of revenue shall notify the tax collector of the county to which delinquent taxes are due under this act by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The county, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such county. In the event any person fails or refuses to pay the amount of any county sales tax due, the director of revenue shall promptly notify the tax collector of the county to which the tax would be due so that appropriate action may be taken by the county.

2. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this act, the director of revenue shall permit the county to join in any sale of property to pay the delinquent taxes and penalties due the state and to the county under this act. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such county.

Approved July 27, 1977.

[S. B. 198]

POLITICAL SUBDIVISIONS: Dissolution of certain special purpose taxing districts.

AN ACT relating to the dissolution of certain special purpose taxing districts.

SECTION

1. Dissolution of certain special purpose districts—procedure for election, form of ballot.

SECTION

2. Procedure for dissolution—bonded indebtedness effect of.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Dissolution of certain special purpose districts—procedure for election, form of ballot.—Any special purpose district formed under the provisions of a statute of this state requiring approval by the voters of the district and for which no specific procedure is provided to terminate or dissolve such a district, may be dissolved in the following manner:

(1) Upon the filing with the governing body of the district of a petition containing the signatures of eight percent or more of the qualified voters of the district or upon the motion of a majority of the members of the governing body it shall call an election in the district using the same procedure and in the same manner so far as practicable as is provided for the election to form the district and the proposition shall be submitted in substantially the following form:

Shall the district be dissolved?

(insert name of district)

☐ Yes

☐ No

Place an X in the box opposite the one for which you wish to vote.

(2) If the proposition to dissolve the district receives a majority of the votes cast the district shall be dissolved for all purposes except the payment of outstanding bonded indebtedness, if any.

Section 2. Procedure for dissolution—bonded indebtedness effect of.—

1. The governing body, upon passage of a proposition to dissolve, shall dispose of all assets of the district and apply all proceeds to the payment of all indebtedness of the district and if any funds are left after such liquidation they shall be paid to the taxpayers of the district, such payments shall be computed on the ratio of each taxpayer's tax paid in to the total tax collected for the last taxable year for which the district collected taxes. The liquidation, payments and refunds shall be completed within one hundred twenty days after the date of the election and the district shall cease to exist; except that if general obligation bonded indebtedness exists the district shall continue to exist solely for the purpose of levying and collecting taxes to pay such indebtedness.

Approved June 14, 1977.

[S. B. 416]

POLITICAL SUBDIVISIONS: Additional powers of the Bi-State Development Agency.

AN ACT to repeal section 70.373, RSMo 1969, relating to the additional powers of the bi-state development agency, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

70.375. Additional powers of Bi-State Development Agency.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 70.373, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 70.373, to read as follows:

70.373. Additional powers of Bi-State Development Agency.—In further effectuation of that certain compact between the states of Missouri and Illinois heretofore made and entered into on September 20, 1949, the bi-state development agency, created by and under the aforesaid compact, is authorized to exercise the following powers in addition to those heretofore expressly authorized by the aforesaid compact:

(1) To acquire by gift, purchase or lease, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, bridges, tunnels, airports, wharves, docks, harbors, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal facilities.

(2) To contract with municipalities or other political subdivisions for the services or use of any facility owned or operated by the bi-state agency, or owned or operated by any such municipality or other political subdivision.

(3) To borrow money for the acquisition, planning, construction and equipping of any facility which it has the power to own or to operate or to own and to operate, and to

issue the negotiable notes, bonds or other instruments in writing of the bi-state development agency in evidence of the sum or sums to be borrowed.

(4) To issue negotiable refunding notes, bonds or other instruments in writing for the purpose of refunding, extending or unifying the whole or any part of its valid indebtedness from time to time outstanding, whether evidenced by notes, bonds or other instruments in writing, which refunding notes, bonds or other instruments in writing shall not exceed in amount the principal of the outstanding indebtedness to be refunded and the accrued interest thereon to the date of such refunding.

(5) To provide that all negotiable notes, bonds or other instruments in writing issued either pursuant to subdivision (3) or pursuant to subdivision (4) hereof shall be payable, both as to principal and interest, out of the revenues collected for the use of any facility or combination of facilities owned or operated or owned and operated by the bi-state development agency, or out of any other resources of the bi-state development agency, and may be further secured by a mortgage or deed of trust upon any property owned by the bi-state development agency. All notes, bonds or other instruments in writing issued by the bi-state development agency as herein provided shall mature in not to exceed thirty years from the date thereof, shall bear interest at a rate not exceeding eight percent per annum, and shall be sold for not less than ninety-five percent of the par value thereof. The bi-state development agency shall have the power to prescribe the details of such notes, bonds or other instruments in writing, and of the issuance and sale thereof, and shall have power to enter into covenants with the holders of such notes, bonds or other instruments in writing, not inconsistent with the powers herein granted to the bi-state development agency, without further legislative authority.

(6) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the bi-state development agency, subject, however, to the provisions of the aforesaid compact; provided, however, that no rights or property of any kind or character, now or hereafter owned, leased, controlled, operated or used, in whole or in part, by any common carrier engaged in interstate commerce or by any grain elevator, shall be taken or appropriated by the bi-state development agency without first obtaining the written consent and approval of such common carrier or of the owner or operator of such grain elevator. If the property to be condemned be situated in the state of Illinois, the said agency shall follow the procedure of the act of the state of Illinois providing for the exercise of the right of eminent domain, and if the property to be condemned be situated in the state of Missouri, the said agency shall follow the procedure provided by the laws of the state of Missouri for the appropriation of land or other property taken for telegraph, telephone or railroad rights-of-way.

(7) To contract and to be contracted with, and to sue and to be sued in contract.

Approved July 18, 1977.

[H. B. 702]

POLITICAL SUBDIVISIONS: Retirement or pensioning of officers and employees of political subdivisions.

AN ACT to repeal section 70.660, 70.645, 70.650, 70.655 and 70.670, RSMo Supp. 1975, relating to the retirement or pensioning of officers and employees and the widows and children of deceased officers and employees of political subdivisions and to enact in lieu thereof five new sections relating to the same subject.

SECTION

1. Enacting clause.
- 70.645. Retirement, when eligible—eligibility for option.
- 70.650. Mandatory retirement age, how determined.

SECTION

- 70.655. Retirement benefits—program to be selected by governing body—formula for computing benefits—cost of living factor—suspension of certain benefits, when.

SECTION

70.660. Optional retirement, election, when made—benefits, how computed (member and beneficiary).

SECTION

70.670. Early retirement, application—requirements—option—benefits, how computed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 70.660, 70.645, 70.650, 70.655 and 70.670, RSMo Supp. 1975, are repealed and five new sections enacted in lieu thereof, to be known as sections 70.645, 70.650, 70.655, 70.660 and 70.670, to read as follows:

70.645. Retirement, when eligible—eligibility for option.—Any member in service may retire with an allowance provided for in section 70.655 upon his written application to the board setting forth at what time not less than thirty days nor more than ninety days subsequent to the execution and filing of his application he desires to be retired; except that, at the time specified for his retirement the member must have attained his minimum service retirement age and must have five or more years of credited service in force, and notwithstanding that during the period of notification he may have separated from service. He shall have the right to elect an option provided for in section 70.660.

70.650. Mandatory retirement age, how determined.—The governing body of an employer shall determine the mandatory separation age for its employees which shall not be less than the minimum service retirement age. Upon his separation from his last employer, a member who has five or more years of credited service in force shall receive an allowance provided for in section 70.655 and shall have the right to elect an option provided for in section 70.660.

70.655. Retirement benefits—program to be selected by governing body—formula for computing benefits—cost of living factor—suspension of certain benefits, when.—1. Upon a member's retirement he shall receive an allowance for life in accordance with the applicable benefits program elected by his employer, as follows:

(1) Benefit program L-1. A member with credited service covered by benefit program L-1 shall receive an allowance for life equal to one percent of his final average salary multiplied by his number of years of such credited service.

(2) Benefit program L-3. A member with credited service covered by benefit program L-3 shall receive an allowance for life equal to one and one quarter percent of his final average salary multiplied by his number of years of such credited service.

(3) Benefit program LT-4. A member with credited service covered by benefit program LT-4 shall receive an allowance for life equal to one percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger (i) than the federal social security's minimum age for an immediate retirement benefit and (ii) than age sixty-two, then such member shall receive a temporary allowance equal to one percent of his final average salary multiplied by his number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earliest of the following events occurs: such member's death; or his attainment of such social security minimum age; or his attainment of age sixty-two.

(4) Benefit program LT-5. A member with credited service covered by benefit program LT-5 shall receive an allowance for life equal to one and one-quarter percent of his final average salary multiplied by his number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger (i) than the federal social security's minimum age for an immediate retirement benefit and (ii) than age sixty-two, then such member shall receive a temporary allowance equal to three-quarters of one percent of his final average salary multiplied by his number of years of

such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earliest of the following events occurs: such member's death; or his attainment of such social security minimum age; or his attainment of age sixty-two.

2. If each portion of a member's credited service is not covered by the same benefit program, then his total allowance for life shall be the total of the allowance for life determined under each applicable benefit program.

3. Each employer shall have the credited service of each of its members covered by benefit program L-1 provided for in this section unless such employer shall have elected another benefit program provided for in this section.

4. Each political subdivision, by majority vote of its governing body, may elect from time to time to cover its members under one of the benefit programs provided for in this section. The clerk or secretary of the political subdivision shall certify the election of the benefit program to the board within ten days after such vote. The effective date of the political subdivision's benefit program is the first day of the calendar month specified by such governing body, or the first day of the calendar month next following receipt by the board of the certification of election of benefit program, or the effective date of the political subdivision becoming an employer, whichever is the latest. Such election of benefit program may be changed from time to time by such vote, but not more often than biennially. If such changed benefit program provides larger allowances than the benefit program previously in effect, then such larger benefit program shall be applicable to the past and future employment with the employer by present and future employees. If such changed benefit program provides smaller allowances than the benefit program previously in effect, then such changed benefit program shall be applicable only to credited service for employment rendered from and after the effective date of such change.

5. Should an employer change its election of benefit program as provided in this section, the employer contributions shall be correspondingly changed effective the same date as the benefit program change.

6. The limitation on increases in an employer's contribution provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer electing a benefit program which provides larger allowances.

7. Subject to the provisions of subsection 9 of this section, for an allowance becoming effective on the effective date of this section or later, and beginning with the October first which is at least 12 full months after the effective date of the allowance, the amount of the allowance shall be redetermined effective each October first and such redetermined amount shall be payable for the ensuing year. Subject to the limitations stated in the next sentence, such redetermined amount shall be the amount of the allowance otherwise payable multiplied by the following percent: One-hundred percent, plus two percent for each full year (excluding any fraction of a year) in the period from the effective date of the allowance to the current October first. In no event shall such redetermined amount (1) be less than the amount of the allowance otherwise payable nor (2) be more than the amount of the allowance otherwise payable multiplied by the following fraction: The numerator shall be the Consumer Price Index for the month of June immediately preceding such October first (but in no event an amount less than the denominator below) and; the denominator shall be the Consumer Price Index for the month of June immediately preceding the effective date of the allowance. As used here in "Consumer Price Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers, as determined by the United States Department of Labor and in effect January 1, 1975; provided, should such Consumer Price Index be restructured subsequent to 1974 in a manner materially changing its character, the board shall change the application of the Consumer Price Index so that as far as is practicable the 1975 intent of the use of the Consumer Price Index shall be continued. As used herein "the amount of the allowance otherwise payable" means the amount of the

allowance which would be payable without regard to these provisions redetermining allowance amounts after retirement.

8. Subject to the provisions of subsection 9 of this section, for an allowance becoming effective on the effective date of this section or later the maximum allowance payable under the provisions of section 70.685 and under the provisions of subsection 6 of section 70.680 shall be redetermined each October first in the same manner as an allowance is redetermined under the provisions of subsection 7 of this section.

9. Should the board determine that the provisions of subsections 7 and 8 of this section are jeopardizing the financial solvency of the system, the board may suspend these provisions redetermining allowance amounts after retirement for such periods of time as the board deems appropriate.

70.660. Optional retirement, election, when made—benefits, how computed (member and beneficiary).—Before the date the first payment of his allowance becomes due but not thereafter, a person about to become a retirant may elect to have his allowance for life reduced but not any temporary allowance which may be payable, and nominate a beneficiary, as provided by option A or option B or option C or option D set forth below:

(1) Option A. Under option A, a retirant's allowance payable to him shall be reduced to a certain percent of the allowance otherwise payable to him. Such percent shall be eighty percent if the retirant's age and his beneficiary's age are the same on such first due date, which shall be decreased by three-quarters of one percent for each year that the beneficiary's age is less than the retirant's age, or which shall be increased by three-quarters of one percent, up to a maximum of ninety percent, for each year that the beneficiary's age is more than the retirant's age. Upon his death three-quarters of his reduced allowance to which he would have been entitled had he lived shall be paid to his surviving beneficiary, nominated before such first payment due date but not thereafter, who was his spouse for not less than the two years immediately preceding such first payment due date, or another person aged forty years or older receiving more than one-half support from the retirant for not less than the two years immediately preceding such first payment due date.

(2) Option B. Under option B, a retirant's allowance payable to him shall be reduced to a certain percent of the allowance otherwise payable to him. Such percent shall be eighty-five percent if the retirant's age and his beneficiary's age are the same on such first payment due date, which shall be decreased by one-half of one percent for each year that the beneficiary's age is less than the retirant's age, or which shall be increased by one-half of one percent, up to a maximum of ninety-five percent, for each year that the beneficiary's age is more than the retirant's age. Upon his death one-half of his reduced allowance to which he would have been entitled had he lived shall be paid to his surviving beneficiary, nominated before such first payment due date but not thereafter, who was either his spouse for not less than the two years immediately preceding such first payment due date, or another person aged forty years or older receiving more than one-half support from the retirant for not less than the two years immediately preceding such first payment due date.

(3) Option C. Under option C, a retirant's allowance payable to him shall be reduced to ninety percent of the allowance otherwise payable to him. If he dies before having received one hundred twenty monthly payments of his reduced allowance, his reduced allowance to which he would have been entitled had he lived shall be paid for the remainder of the one hundred twenty month's period to such person as he shall have nominated by written designation duly executed and filed with the board. If there be no such beneficiary surviving the retirant, the reserve for such allowance for the remainder of such one hundred twenty months' period shall be paid to the retirant's estate.

(4) Option D. Some other option approved by the board which shall be the actuarial equivalent of the allowance to which the member is entitled under this system.

70.670. Early retirement, application—requirements—option—benefits, how computed.—1. Any member in service who has not attained his minimum service retirement age may retire with an early allowance provided for in subsection 2 of this section, upon his written application to the board setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired; provided, that at the time so specified for his retirement, the member's age shall be within five years of his minimum service retirement age and he shall have five or more years of credited service in force, and notwithstanding that during such period of notification he may have separated from service. He shall have the right to elect an option provided for in section 70.660.

2. Upon early retirement a member shall receive a certain percent of an allowance provided for in section 70.655. Such percent shall be one hundred percent reduced by: One-half of one percent multiplied by the number of months by which his age at early retirement is younger than his minimum service retirement age.

Approved July 19, 1977.

[H. B. 651]

POLITICAL SUBDIVISIONS: Taxation by special business districts.

AN ACT to repeal section 71.800, RSMo Supp. 1975, relating to taxation by special business districts, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

71.800. Rate of tax—revenue, how expended.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 71.800, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 71.800, to read as follows:

71.800. Rate of tax—revenue, how expended.—1. For the purpose of paying for all costs and expenses incurred in the operation of the district, the provision of services or improvements authorized in section 71.796, and incidental to the leasing, construction, acquisition, and maintenance of any improvements provided for under sections 71.790 to 71.808 or for paying principal and interest on notes or bonds authorized for the construction or acquisition of any said improvement the district may impose a tax upon the owners of real property within the district which shall not exceed eighty-five cents on the one hundred dollar assessed valuation. Real property subject to partial tax abatement under the provisions of the urban redevelopment corporations law of Missouri shall for the purpose of assessment and collection of ad valorem real taxes levied under the provisions of this section be assessed and ad valorem real estate shall be collected as if the real estate were not subject to the tax abatement. The collection of delinquent receipts of said tax shall be in the same manner and form as that provided by law for all ad valorem property taxes. Taxes levied and collected under sections 71.790 to 71.808 shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax.

2. For the purpose of paying for all costs and expenses incurred in the operation of the district and the provisions of services or improvements authorized in section 71.796, the district may impose an additional tax on businesses and individuals doing business within the district. If the governing body imposes any business license taxes such additional taxes shall not exceed fifty percent of the business license taxes. Whenever a hearing is held herein, the governing body shall hear all protests and receive evidence for or against the proposed action; rule upon all protests which determination shall be final; and may continue the hearing from time to time. Proceedings shall terminate if protests is made by businesses in the proposed area which pay a majority of the

additional taxes within the area. For purposes of the additional tax to be imposed pursuant to this part, the governing body of the city may make a reasonable classification of businesses, giving consideration to various factors.

Approved July 15, 1977.

[H. B. 100]

POLITICAL SUBDIVISIONS: Regulations for primaries and elections.

AN ACT to repeal section 78.550, RSMo 1969, relating to regulations for primaries and elections, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

78.550. Prohibited election campaign activities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 78.550, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 78.550, to read as follows:

78.550. Prohibited election campaign activities.—1. No person or persons shall electioneer or solicit votes for any elective officer within one hundred feet of any polling place on primary or election days.

2. The amount of money a candidate may expend in securing his nomination and election for an elective office shall be the same amount as fixed by the state law governing other elections; provided, however, that the primary election and general municipal election shall each be regarded as separate elections.

3. It shall be unlawful for any candidate for office or any officer in any such city, directly or indirectly, to give or promise any person or persons any office, position, employment, benefit, cigars, liquor, or anything of value for the purpose of influencing or obtaining the political support, favor, aid or vote of any person or persons.

4. No owner, proprietor, publisher, manager, or lessee of any newspaper shall publish or print or cause to be published or printed, any article, in any newspaper, in advocacy of or in opposition to the candidacy of a candidate for an elective office, which article is paid for, either directly or indirectly, unless such article be conspicuously marked "paid advertisement".

5. It shall be unlawful for any person, persons, society, societies, corporation, corporations, religious or charitable organizations, semipublic or political organizations, directly or indirectly to solicit or acquire in any manner, funds from any candidate for any elective office; provided, that this section shall not prevent the payment to any organization of any dues, fees or assessments of which the candidate has been a member for six months previous to his becoming a candidate.

6. No person shall perform any service in the interest of any candidate for any city office provided in this chapter, in consideration of any money or other valuable thing for such services.

7. Any person offering a bribe, either in money or other consideration, to any elector for the purpose of influencing his vote in any such election in which such bribe or other consideration is received and accepted; any person making false answer to any of the provisions of this chapter relative to his qualifications to vote at said election; any person willfully voting or offering to vote at such election who is not a qualified elector of the state of Missouri and of such city, or who is not eighteen years of age, or is not a citizen of the United States, or knowing himself not to be a qualified elector of such voting precinct where he offers to vote or votes; or any person knowingly procuring, aiding or abetting any violation hereof, shall be guilty of a misdemeanor and, upon conviction, shall be punished as otherwise provided by law.

8. Every candidate shall file within five days after the day of the primary election,

as herein provided, an itemized statement of the expenses incurred by him as a candidate for said nomination, said statement to be verified by affidavit, and every candidate nominated at said primary election shall, within five days after the day of the general election, file an itemized statement of the expenses incurred by him as a candidate after his nomination, said statement to be verified by affidavit. No person shall be permitted to qualify for an elective office without so doing; provided further, that such affidavit shall contain a statement that none of the provisions herein have been violated by the affiant.

9. No officer or employee of the city shall, directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for political purposes whatever; nor shall any person solicit, directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment for any political purpose whatever, from any officer or employee in any department of the city government.

10. Any person violating any of the provisions contained in this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or imprisonment in the county jail not less than one month nor more than six months or by both such fine and imprisonment, and in case of such conviction of a successful candidate for office, it shall operate as a forfeiture of office.

Approved July 15, 1977.

[S. B. 255]

POLITICAL SUBDIVISIONS: Police force in certain cities.

AN ACT to repeal sections 84.100, 84.140, 84.150, and 84.160, RSMo Supp. 1975, relating to the police force in certain cities, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

SECTION

1. Enacting clause.
- 84.100. Board to establish police force, size of force.
- 84.140. Vacations—off-duty time.

SECTION

- 84.150. Numbers of officers in each rank.
- 84.160. Annual salaries, overtime, how compensated.
- A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 84.100, 84.140, 84.150, and 84.160, RSMo Supp. 1975, is repealed and four new sections enacted in lieu thereof, to be known as sections 84.100, 84.140, 84.150, and 84.160, to read as follows:

84.100. Board to establish police force, size of force.—To enable the boards to perform the duties imposed upon them, they are hereby authorized and required to appoint, enroll and employ a permanent police force for the cities which they shall equip and arm as they may judge necessary. Except as provided below, the number of patrolmen to be appointed shall not be more than one thousand six hundred eighty-three of which number not more than one hundred fifty are to be probationary patrolmen. Any increase in the number of patrolmen authorized, in addition to that provided for above, shall be permitted upon recommendation by the board of police commissioners, with the approval of the municipal board of estimate and apportionment. The number of turnkeys to be appointed shall be sixty-five, except that for each patrolman hereafter promoted, demoted, removed, resigned or otherwise separated from the force, an additional turnkey may be appointed but under no circumstances shall more than one hundred fifty turnkeys be appointed. As each additional turnkey is appointed, the maximum number of patrolmen to be appointed shall be reduced accordingly so that

when one hundred fifty turnkeys have been appointed, the number of patrolmen to be appointed shall not be more than one thousand five hundred ninety-eight.

84.140. Vacations—off-duty time.—The boards shall grant every member of the police force a total of three weeks vacation each year with pay, and each member of the police force who has served the department for twelve years or more shall receive four weeks vacation each year with pay, and each member of the police force who has served the department for twenty-one years or more shall receive five weeks vacation each year with pay, and one hundred four days off duty each year with pay when in the judgment of the boards, the granting thereof will not materially impair the efficiency of the department.

84.150. Numbers of officers in each rank.—The officers of the police force in each such city shall be as follows: One chief of police with the rank of colonel; one assistant chief of police with the rank of lieutenant colonel; one chief of detectives with the rank of lieutenant colonel; one inspector of police with the rank of lieutenant colonel; and one other lieutenant colonel, making a total of four lieutenant colonels, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional lieutenant colonel shall be appointed making a total of five lieutenant colonels; one assistant chief of detectives with the rank of major and five other majors, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional major shall be appointed making a total of seven majors; twenty-two captains, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of sections 84.100 of this act an additional two captains shall be appointed making a total of twenty-four captains; fifty-five lieutenants, except that for each thirty-eight additional patrolmen appointed pursuant to the provisions of section 84.100 an additional lieutenant shall be appointed; two hundred sixty sergeants, except that for each nine additional patrolmen appointed pursuant to the provisions of section 84.100 an additional sergeant shall be appointed; and four corporals. No further appointments to the rank of corporal shall hereafter be made, but all members of the force now holding the rank of corporal shall continue in such rank until their promotion, demotion, removal, resignation or other separation from the force. The officers of the police force shall have commissions issued to them by the boards of police commissioners, and those heretofore and those hereafter commissioned shall serve so long as they shall faithfully perform their duties and possess the necessary mental and physical ability, and be subject to removal only for cause after a hearing by the board, who are hereby invested with exclusive jurisdiction in the premises. Any increase in the number of officers to be appointed in addition to that provided for above, shall be permitted upon recommendation by the board of police commissioners with the approval of the municipal board of estimate and apportionment.

84.160. Annual salaries, overtime, how compensated.—1. The chief of police shall receive thirty-five thousand eight hundred fifty-four dollars per annum; the assistant chief of police shall receive twenty-seven thousand one hundred forty-four dollars per annum; the chief of detectives shall receive twenty-five thousand five hundred thirty-two dollars per annum; the inspector of police shall receive twenty-five thousand five hundred thirty-two dollars per annum; each other lieutenant colonel shall receive twenty-five thousand five hundred thirty-two dollars per annum; each major shall receive twenty-two thousand nine hundred six dollars per annum; each captain shall receive twenty thousand two hundred fifty-four dollars per annum; each lieutenant shall receive eighteen thousand two hundred dollars per annum; each sergeant who has served in the rank of sergeant for six years or more shall receive sixteen thousand six hundred and forty dollars per annum; each sergeant during the first five years that he serves in rank of sergeant shall receive sixteen thousand ninety-four dollars per annum; each corporal shall receive fourteen thousand six hundred

ninety dollars per annum; each patrolman who has served more than thirteen years as a patrolman shall receive fourteen thousand five hundred sixty dollars per annum; each patrolman who has served more than ten years as a patrolman shall receive fourteen thousand sixty-six dollars per annum; each patrolman who has served more than five years as a patrolman shall receive thirteen thousand eight hundred fifty-eight dollars per annum; each patrolman who has served more than four years as a patrolman shall receive thirteen thousand one hundred fifty-six dollars per annum; each patrolman who has served more than three years as a patrolman shall receive twelve thousand six hundred sixty-two dollars per annum; each patrolman who has served more than two years as a patrolman shall receive twelve thousand two hundred seventy-two dollars per annum; each patrolman who has served more than one year as a patrolman shall receive eleven thousand eight hundred thirty dollars per annum; each patrolman who is beginning his first year as a patrolman shall receive eleven thousand three hundred eighty-eight dollars per annum; each probationary patrolman shall receive ten thousand nine hundred seventy-two dollars per annum. Each turnkey beginning his first year or who has served more than one year as a turnkey shall receive nine thousand six hundred seventy-two dollars per annum; each turnkey who has served more than five years as a turnkey shall receive ten thousand one hundred sixty-six dollars per annum; and each turnkey who has served more than nine years as a turnkey shall receive ten thousand six hundred eighty-six dollars per annum. Each of the above mentioned salaries shall be payable in biweekly installments. Each officer of police, corporal, and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his salary, an allowance not to exceed two hundred eight dollars per annum payable biweekly.

2. It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force in the manner herein and hereafter provided.

3. The board of police commissioners may pay additional compensation for all hours of service rendered in excess of the established regular working period, and the rate of compensation shall not exceed the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given or deductions made from payments for overtime for the purpose of retirement benefits.

4. All commissioned officers up to and including the rank of sergeant shall receive additional compensation for authorized overtime, court time and court standby time accumulated after the effective date of this act whenever the total accumulated time exceeds forty hours, and the rate of compensation shall not exceed the regular hourly rate of pay to which each member shall normally be entitled. The accumulated forty hours shall be taken as compensatory time off at the officer's discretion with the approval of his superior.

5. Overtime, court time and court standby time accumulated prior to the effective date of this act shall be compensated for on the basis of compensatory time off or at the regular hourly rate of pay, at the discretion of the board, within two years of the effective date of this act.

6. The allowance of compensation or compensatory time off for court standby time shall be computed at the rate of one-third of one hour for each hour spent on court standby time.

7. In lieu of compensatory time off or payments for overtime hours, all commissioned officers of the rank of lieutenant and above shall receive an additional eight percent of the compensation established in subsection 1, with the exception of the chief of police.

8. The board of police commissioners may effect programs to provide additional compensation to its employees for successful completion of academic work at an accredited college or university, in amounts not to exceed ten percent of their yearly salaries.

9. The board of police commissioners:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical and disability coverage for officers and employees of the department;

(2) May provide or contract for insurance coverage providing salary continuation coverage for officers and employees of the police department;

(3) May provide health, medical and life insurance coverage for retired officers and employees of the police department;

(4) May pay an additional shift differential compensation to members of the police force for evening and night tour of duty in amounts not to exceed ten percent of the officer's base hourly rate.

10. The board of police commissioners shall pay additional compensation to members of the police force up to and including the rank of sergeant for any full hour worked between the hours of 11:00 p.m. and 7:00 a.m., in amounts equal to five percent of the officer's base hourly pay.

Section A. Emergency clause.—Because the high rate of attrition in the police service and low officer moral could result in increased risk to citizens of this state, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon passage and approval or on May 1, 1977, whichever later occurs.

Approved April 28, 1977.

[S. B. 68]

POLITICAL SUBDIVISIONS: Police in certain cities.

AN ACT to repeal Sections 84.480 and 84.510 RSMo 1975 Supp. and 84.520 RSMo 1969, relating to police in certain cities and to enact in lieu thereof three new sections relating to the same subject.

SECTION

1. Enacting clause.
84.480. Chief of police—appointment—qualifications—compensation (Kansas City).

SECTION

- 84.510. Police officers and officials—appointment—compensation (Kansas City).
84.520. Police department, civilian employees—salaries (Kansas City).

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 84.480 and 84.510 RSMo 1975 Supp. and 84.520 RSMo 1969 are repealed and three new sections enacted in lieu thereof to be known as follows:

84.480. Chief of police—appointment—qualifications—compensation (Kansas City).—The board of police commissioners shall appoint a chief of police who shall be the chief police administrative and law enforcement officer of such cities. He shall be chosen by the board solely on the basis of his executive and administrative qualifications and his demonstrated knowledge of police science and administration with special reference to his actual experience in law enforcement leadership and the provisions of section 84.420. At the time of the appointment, the chief shall not be more than sixty years of age, shall have had at least five years' executive experience in a governmental police agency and shall be certified by a surgeon or physician to be in good physical condition, and must be a citizen of the United States and must either be or become a citizen of the state of Missouri and resident of the city in which he is appointed as chief of police. In order to secure and retain the highest type of police leadership within the departments of said cities the chief shall receive a salary not less than twenty-

seven thousand five hundred forty dollars nor more than thirty-nine thousand eight hundred ninety-six dollars per annum.

84.510. Police officers and officials—appointment—compensation (Kansas City).—1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including policemen, policewomen and civilian employees as he from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels not to exceed five in number at not less than twenty thousand five hundred fifty-six dollars, nor more than twenty-six thousand four hundred dollars per annum each;

(2) One major of detectives, at not less than twenty thousand five hundred fifty-six dollars, nor more than twenty-six thousand four hundred dollars per annum;

(3) Majors, at not less than seventeen thousand seven hundred forty-eight dollars, nor more than twenty-three thousand four hundred dollars each;

(4) Captains, at not less than fifteen thousand three hundred thirty-six dollars, nor more than twenty thousand four hundred dollars each;

(5) Sergeants, at not less than thirteen thousand nine hundred eight dollars, nor more than eighteen thousand six hundred dollars each;

(6) Detectives, at not less than ten thousand three hundred ninety-two dollars, nor more than fifteen thousand three hundred dollars each;

(7) Police officers, at not less than eight thousand nine hundred eighty-eight dollars, nor more than fifteen thousand three hundred dollars each.

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, in the above specified salary ranges from police officers through chief of police. Except that in the event of unusual or abnormal employment conditions or rapid increase in the cost of living or other emergency, the board of police commissioners, by unanimous vote of its five members, may in its discretion determine that such circumstances exist and increase the maximum salaries provided herein or any of them at a rate of not more than five percent per annum commencing September 1, 1976, but not to exceed fifteen percent of the maximum herein.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional twenty-five dollars per month clothing allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of commissioners, by unanimous vote of its five members, has the authority by resolution to authorize incentive pay in addition to the base compensation of police officers and detectives below the rank of sergeant as provided for in subsection 2 of this section, to be paid officers who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work related only to law enforcement, police science or police administration at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. (1) The additional pay increments provided in subsection 6 and 7 of this section shall not be considered a part of the base compensation of police officers and shall not exceed five percent of what the officer would otherwise be entitled to under subsections 2 and 3 of this section.

(2) Not more than twenty-five percent of the officers in any rank below the rank of sergeant who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided under the provisions of subsections 6 and 7 shall not be deprived of said pay increment as a result of the limitations of this subdivision.

84.520. Police department, civilian employees—salaries (Kansas City).—The chief of police, with the approval of the board, shall appoint such number of civilian employees as he deems necessary from time to time for the operation of the police department. Compensation for civilian employees of the police department shall not exceed the compensation paid to police officers of the department who perform like or similar work to that of such civilian employees, but the chief of police, with the approval of the board, may establish lower compensation for civilian employees than that received by police officers.

Approved May 24, 1977.

[H. B. 53]

POLITICAL SUBDIVISIONS: Alternate retirement systems in cities of seven hundred thousand or more.

AN ACT to repeal sections 86.250, 86.260, RSMo 1969, 86.253, 86.283, RSMo Supp. 1975, relating to alternate retirement systems in cities of seven hundred thousand or more, and to enact in lieu thereof four new sections relating to the same subject.

SECTION

1. Enacting clause.
- 86.250. Members may retire, when—compulsory retirement.
- 86.253. Service retirement allowance, how calculated—military service credit—cost of living increases.

SECTION

- 86.260. Disability allowance, how calculated.
- 86.283. Death benefits of retired member—dependents' allowances—cost of living adjustment.

Be it enacted by the General Assembly of State of Missouri, as follows:

Section 1. Enacting clause.—Sections 86.250, 86.260, RSMo 1969, 86.253 and 86.283, RSMo Supp. 1975 are repealed and four new sections enacted in lieu thereof, to be known as sections 86.250, 86.253, 86.260, 86.283, to read as follows:

86.250. Members may retire, when—compulsory retirement.—Retirement of a member on a service retirement allowance shall be made by the board of trustees as follows:

(1) Any member may retire after completing twenty-five or more years of service or obtaining the age of fifty-five upon his written application to the board of trustees setting forth at what time not less than thirty days nor more than ninety days subsequent to the execution and filing thereof he desires to be retired; provided, that the member shall have attained the following age at the time retirement is requested: age fifty-nine for 1969, age fifty-eight for 1970, age fifty-seven for 1971, age fifty-six for 1972, and age fifty-five for years thereafter; provided, further, that a member who ceases to be a policeman after twenty years or more of service may retire prior to the age and years specified above with a reduced retirement allowance.

(2) Any member in service who has attained the age of sixty-five shall be retired forthwith provided that upon request of the board of police commissioners the board of

trustees may permit such member to remain in service for periods of not to exceed one year from the date of the last request from the board of police commissioners.

86.253. Service retirement allowance, how calculated—military service credit—cost of living increases.—1. Upon retirement for service a member shall receive a service retirement allowance which shall be equal to a fraction of his average final compensation multiplied by the number of years of his creditable service, which fraction for the year of retirement is one-fiftieth; provided, that a member who ceases to be a policeman after twenty years or more of service and leaves his contribution with the system may either receive

(1) A retirement allowance upon attaining age fifty-five equal to one-fiftieth of his average final compensation multiplied by the number of years of his creditable service; or

(2) A retirement allowance beginning any time prior to age fifty-five which is the actuarial equivalent of the retirement allowance he would be entitled to receive at age fifty-five under subdivision (1) of this section.

2. If, at any time since first becoming a member of the retirement system, he has served in the armed forces of the United States, in any war or period of armed hostilities between the armed forces of the United States and those of a foreign power, and has subsequently been reinstated as a policeman within ninety days after his discharge, he shall be granted credit for such service as if his service in the police department of such city had not been interrupted by his induction into the armed forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of his rank during the period of his absence.

3. The service retirement allowance of a retired member who retired from service after attaining age fifty-five or after completing twenty-five years of service will be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following his retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following his retirement but not to exceed a total percentage increase of twenty-five percent. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below his initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit.

86.260. Disability allowance, how calculated.—1. Upon retirement for ordinary disability a member shall receive a service retirement allowance if he has attained the age of fifty-five or completed twenty-five years of service; otherwise he shall receive an ordinary disability retirement allowance which shall be equal to ninety percent of his accrued service retirement in section 86.253, but not less than one-fourth of his average final compensation; provided, however, that no such allowance shall exceed ninety percent of his accrued service retirement benefit based on continuation of his service to the age set out in section 86.250.

2. The ordinary disability retirement allowance will be increased by ten percent of the member's average final compensation for each unmarried dependent child of the disabled member who is under the age of eighteen, or who, regardless of age, is totally

and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself, but not in excess of a total of three children; provided, however, that the combined benefit shall not exceed fifty-five percent of such average final compensation.

3. Any benefit payable to or for the benefit of a child or children under the age of eighteen years under the provisions of subsection 2 of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child shall cease to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

86.283. Death benefits of retired member—dependents' allowances—cost of living adjustment.—Upon receipt of proper proofs of the death of a retired member who retired while in service, including retirement for service, ordinary disability or accidental disability, and provided no other benefits are payable, there shall be paid the following benefits:

(1) A pension to the widow during her widowhood of twenty-five percent of the deceased member's average final compensation plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member who is either under age eighteen or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support himself, but not in excess of three children, and paid as the board of trustees in its discretion shall direct; provided, however, that a widow of a member who retired prior to the effective date of this section fixing the twenty-five percent benefit shall receive a fifteen percent benefit in lieu thereof;

(2) If no widow benefits are payable under subdivision (1) such total pension as would have been paid under subdivision (1) had there been a widow shall be divided among the unmarried dependent children under age eighteen and unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves and paid as the board of trustees shall direct, provided that not more than one-half of the widow's benefits shall be paid for one child;

(3) In the event of a member's retirement from service prior to age fifty-five or prior to completion of twenty-five years of service, the only benefit in addition to his service allowance shall be a pension to his widow of thirty percent of such deceased retired member's retirement benefit which he was receiving or which he would have received on attaining age fifty-five and which such widow shall receive until her death or remarriage;

(4) No benefits under this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor unless such disability occurred prior to such child reaching the age of eighteen;

(5) Whenever any dependent child designated by the board of trustees to receive benefits under this section is in the care of the widow of the deceased member such benefits may be paid to such widow for the child;

(6) In the event of the death of a retired member receiving accidental disability benefits before such benefits have been paid for five years, his widow during her widowhood shall receive an additional pension of ten percent of the deceased member's final average compensation;

(7) Any benefit payable to or for the benefit of a child or children under the age of eighteen years under subdivisions (1) and (2) shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a

full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child shall cease to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university:

(8) The benefits payable under this section to the widow of a retired member who received or was entitled to receive a service retirement allowance shall be increased or decreased in accordance with changes in the consumer price index (United States City Average Index) as published by the United States Department of Labor in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member.

Approved July 6, 1977.

[H. B. 308]

POLITICAL SUBDIVISIONS: Pensions for firemen.

AN ACT to repeal sections 87.170, 87.295 and 87.305, RSMo 1969, and section 87.175, RSMo Supp. 1975, relating to pensions for firemen in cities with a population in excess of seven hundred thousand, and to enact in lieu thereof four new sections relating to the same subject.

SECTION

1. Enacting clause.
- 87.170. Conditions of retirement.
- 87.175. Retirement for service—amount, how computed.

SECTION

- 87.295. Contributions by member, how computed.
- 87.305. Refunds of contributions, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 87.170, 87.295 and 87.305, RSMo 1969, and section 87.175, RSMo Supp. 1975, are repealed and four new sections enacted in lieu thereof, to be known as sections 87.170, 87.175, 87.295 and 87.305, to read as follows:

87.170. Conditions of retirement.—Retirement of a member on a service retirement allowance shall be made by the board of trustees as follows:

(1) Any member may retire upon his written application to the board of trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing therefor, he desires to be retired, if the member at the time so specified for his retirement has twenty-five years or more of service; except that a member who ceases to be a fireman after twenty years or more of service may retire prior to the twenty-five years of service with a retirement allowance based on his years of service.

(2) Any member in service upon attaining the age of sixty if qualifying for a service retirement allowance equal to seventy percent of the average annual compensation for the last three years of his service, may be retired forthwith; except that with respect to any member who is fifty-five years of age or older on August 13, 1977, the board shall not retire such member when he attains sixty years of age or more merely because the member has attained that age unless the member so requests or the member has qualified for a service retirement allowance equal to seventy percent of his average annual compensation for the last three years of service.

(3) Any member who qualifies for a service retirement allowance over the seventy percent shall receive the full service retirement allowance for his full length of creditable years of service.

(4) Any member who qualifies for a service retirement allowance of seventy percent or over and has not attained the sixty years of age may be retained as a member until sixty years of age, with no increase in retirement allowance.

87.175. Retirement for service—amount, how computed.—Upon retirement for service a member shall receive a service retirement allowance which shall be equal to fifty percent of the average annual compensation for the last three years of service, plus an amount equal to four percent of the average annual compensation for the last three years of service for each additional year of service after twenty-five years, but no service retirement allowance shall exceed an amount equal to seventy percent of the average annual compensation for the last three years of service.

87.295. Contributions by member, how computed.—The board of trustees shall certify to the chief of the fire department and the chief of the fire department shall cause to be deducted from the salary of each member on each and every payroll for each and every pay period, eight percent of the compensation of each member.

87.305. Refunds of contributions, when.—The board of trustees is authorized at its discretion to make refunds or grant additional benefits for such parts of contributions as were made prior to the adoption of the eight percent rate for all members which were in excess of the compulsory contributions required of each member.

Approved July 6, 1977.

[S. B. 73]

POLITICAL SUBDIVISIONS: Additional tax levy for museum purposes.

AN ACT to repeal section 92.035, RSMo 1969, relating to an additional tax levy for museum purposes in certain cities, and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
2. Residency requirements for officers and board members of museum (Kansas City).

SECTION

- 92.035. Additional levy for museum purposes (Kansas City).

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 92.035, RSMo 1969 is repealed and two new sections enacted in lieu thereof, to be known as sections 2 and 92.035, to read as follows:

Section 2. Residency requirements for officers and board members of museum (Kansas City).—The director and a majority of the officers of the board of governors of any museum in any city authorized to levy a tax under section 92.035 of this act shall be residents of the state of Missouri and taxpayers of such city.

92.035. Additional levy for museum purposes (Kansas City).—Any city having a charter form of government and a population of at least three hundred thousand, but less than six hundred and fifty thousand and located wholly or partially within a county of the first class having a charter form of government, in addition to the levy and imposition of taxes authorized by section 92.030, may, except as otherwise provided in this section, by ordinance, levy or impose a tax not to exceed the rate of nine cents on each one hundred dollars of assessed valuation of real and tangible personal property located within the city. The proceeds of the tax representing a rate of at least two cents on each one hundred dollars of assessed valuation to be used for the operation of museum facilities in existence on the effective date of this act, and the remaining proceeds of the tax to be used exclusively for municipal museum purposes and no other. The word "museum" as used in this section, shall not be construed to mean or include an art gallery. General admission to the museum shall be free and open to the residents of said city. Before the city shall impose any tax under this section at a rate which exceeds two

cents on each one hundred dollars of assessed valuation, the governing body of the city shall submit the proposed tax rate increase to a vote of the qualified electors of the city for approval or rejection at a city primary or general election or at a special election called for that purpose. The ballot shall be in substantially the following form:

☐ For a tax levy increase of cents on the hundred dollars assessed valuation for museum purposes.

☐ Against a tax levy increase of cents on the hundred dollars assessed valuation for museum purposes.

If a majority of the votes cast upon the proposal are in favor of the levy increase, the governing body of the city may, by ordinance, impose the additional tax. If a majority of the votes cast upon the proposal are against the levy increase, the governing body of the city shall not impose the increase. Nothing in this section shall prohibit a rejected proposal from being resubmitted to a vote of the qualified voters.

Approved June 29, 1977.

[H. B. 488]

POLITICAL SUBDIVISIONS: Transportation sales tax in certain cities.

AN ACT to repeal Section 92.421 of Senate Bill No. 1 of the First Extra Session of the 78th General Assembly relating to the transportation sales tax in certain cities and to enact in lieu thereof one new Section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

92.421. Expiration date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 92.421 of Senate Bill No. 1 of the First Extra Session of the 78th General Assembly is repealed and one new Section enacted in lieu thereof, to be known as Section 92.421, to read as follows:

92.421. Expiration date.—The provisions of Section 92.400 to 92.420 shall expire on December 31, 1979.

Approved June 15, 1977.

[H. B. 489]

POLITICAL SUBDIVISIONS: Transportation sales tax in certain cities.

AN ACT to repeal sections 92.421 and 94.655 of Senate Bill No. 1 of the First Extra Session of the 78th General Assembly, relating to the transportation sales tax in certain cities and to enact in lieu thereof two new Sections relating to the same subject.

SECTION

1. Enacting clause.
92.421. Termination date.

SECTION

94.655. Termination date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 92.421 and 94.655 of Senate Bill No. 1 of the First Extra Session of the 78th General Assembly are repealed and two new sections enacted in lieu thereof, to be known as Sections 92.421 and 94.655, to read as follows:

92.421. Termination date.—The provisions of Section 92.400 to 92.420 shall expire on December 31, 1979.

94.655. Termination date.—The provisions of Sections 94.600 to 94.655 shall expire on December 31, 1979.

Approved June 15, 1977.

[H. B. 165]

POLITICAL SUBDIVISIONS: City Sales Tax Act.

AN ACT to repeal section 94.500, RSMo 1969, relating to city sales tax act, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

92.500. Short title and definitions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 94.500, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 94.500, to read as follows:

94.500. Short title and definitions.—Section 94.500 to 94.570 are known and may be cited as the "City Sales Tax Act", and the following words shall have the following meanings unless a different meaning clearly appears from the context:

(1) "City" shall mean any incorporated city, town or village in the state of Missouri;

(2) "Director of revenue" shall mean the director of revenue of the state of Missouri;

(3) "Person" means an individual, corporation, partnership or other entity.

Approved June 14, 1977.

[S. B. 344]

POLITICAL SUBDIVISIONS: Sales tax brackets.

AN ACT to repeal sections 94.510 and 144.285, RSMo 1969, relating to sales tax brackets, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause and an effective date.

SECTION

1. Enacting clause.

94.510. Imposition of tax, election—rate—collection—purchaser to pay tax—brackets.

SECTION

144.285. Brackets for collection of tax.

A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 94.510 and 144.285, RSMo 1969 are repealed and two new sections enacted in lieu thereof, to be known as sections 94.510 and 144.285, to read as follows:

94.510. Imposition of tax, election—rate—collection—purchaser to pay tax—brackets.—1. Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.570; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500 to 94.570 shall be effective unless the legislative body of the city submits to the voters of the city, at a city or state general, primary or special election, a proposal to authorize the legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.570.

The ballot of submission shall contain, but not be limited to, the following language:

- ☐ For the sales tax
☐ Against the sales tax

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to authorize the legislative body of the city to impose the tax under the provisions of sections 94.500 to 94.570, and such proposal is approved by a majority of the qualified voters voting thereon.

2. The sales tax may be imposed at a rate of one-half of one percent or at one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.510, RSMo.

3. Within ten days after the adoption of any ordinance in favor of the adoption of a city sales tax by the voters of such city, within such city, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the council or governing body. The ordinance shall reflect the effective date thereof and shall be accompanied by a map of the city clearly showing the boundaries thereof.

4. The tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of such tax, or on January 1, 1970, if notice is received by the director of revenue prior to November 1, 1969.

5. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.570 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by the act shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

6. In each city in which a city sales tax has been imposed in the manner provided by sections 94.500 to 94.570, every retailer shall add the tax imposed by the sales tax law of the state of Missouri and the tax imposed by sections 94.500 to 94.570 to his sale price, and when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and the city sales tax shall be the sum of the two rates, multiplying the combined tax rate times the amount of the sale.

7. In cities imposing a tax under provisions of sections 94.500 to 94.570, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the following brackets shall be applicable to all taxable transactions and shall be used in lieu of those provided in section 144.285, RSMo:

In cities imposing a one-half of one percent tax:

Transaction	Tax
\$0.00-\$0.14	None
.15- .35	\$.01
.36- .59	.02
.60- .83	.03

.84- 1.14	.04
1.15- 1.41	.05
1.42- 1.69	.06
1.70- 1.96	.07
1.97- 2.24	.08
2.25- 2.52	.09
2.53- 2.79	.10
2.80- 3.07	.11
3.08- 3.34	.12
3.35- 3.62	.13
3.63- 3.89	.14
3.90- 4.17	.15
4.18- 4.44	.16
4.45- 4.72	.17
4.73- 4.99	.18
5.00- 5.27	.19
5.28- 5.54	.20
5.55- 5.82	.21
5.83- 6.09	.22

The brackets set forth between \$2.53-\$2.79 and \$5.83-\$6.09 shall be projected in the same ratio for all sales of amounts larger than those shown in the table.

In cities imposing a one percent tax:

Transaction	Tax
\$0.00-\$0.12	None
.13- .29	.01
.30- .49	.02
.50- .75	.03
.76- .99	.04
1.00- 1.23	.05
1.24- 1.47	.06
1.48- 1.71	.07
1.72- 1.96	.08
1.97- 2.20	.09
2.21- 2.44	.10
2.45- 2.68	.11
2.69- 2.93	.12
2.94- 3.17	.13
3.18- 3.41	.14
3.42- 3.65	.15
3.66- 3.90	.16
3.91- 4.14	.17
4.15- 4.38	.18
4.39- 4.62	.19
4.63- 4.87	.20
4.88- 5.11	.21
5.12- 5.35	.22
5.36- 5.59	.23
5.60- 5.84	.24

The brackets set forth between \$.76-\$.99 and \$5.60-\$5.84 shall be projected in the same ratio for all sales of amounts larger than those shown in the table.

144.285. Brackets for collection of tax.—1. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as

a levy of the tax, and in order to avoid fractions of pennies, the following brackets shall be applicable to all taxable transactions:

Transaction	Tax
\$0.00-\$0.14	None
.15- .39	\$.01
.40- .69	.02
.70- .99	.03
1.00- 1.29	.04
1.30- 1.62	.05
1.63- 1.95	.06
1.96- 2.27	.07
2.28- 2.59	.08
2.60- 2.91	.09
2.92- 3.23	.10
3.24- 3.55	.11
3.56- 3.87	.12

For all sales of amounts larger than those shown in the table, the tax shall increase \$.01 for each additional \$.32 of sales.

2. In all instances where statements covering taxable purchases are rendered to the taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying the tax rate to the taxable purchases represented on the statement, rounded to the nearest whole cent, or by application of the brackets set forth in subsection 1 of this section, at the option of the retail vendor.

3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any sum in excess of the sums prescribed in subsection 1 of this section.

Section A. Emergency clause.—Because a one-eighth cent sales tax for conservation purposes will become effective July 1, 1977, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and an emergency exists within the meaning of the constitution, and this act shall become effective July 1, 1977, or upon final passage and approval, whichever later occurs.

Approved June 14, 1977.

[H. B. 703]

PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS: Insurance benefits for certain employees, officials and judges.

AN ACT to repeal sections 104.515 and 104.516 of Senate Bill No. 513, Second Regular Session, 78th General Assembly, relating to insurance benefits for certain employees, officials and judges of this state, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

SECTION

- A. Enacting clause.
- 104.270. Contributions for insurance benefits authorized—contracts for insurance, how let—records required of insurers.
- 104.515. Insurance to be furnished, amount how determined—state contribu-

SECTION

- tion, amount—payroll deductions, amount—exception—dependants coverage.
- 104.516. Retention of medical insurance by former employee, when authorized.
- B. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 104.515 and 104.516 are repealed and three new sections enacted in lieu thereof to be known as sections 104.270, 104.515 and 104.516 to read as follows:

104.270. Contributions for insurance benefits authorized—contracts for insurance, how let—records required of insurers.—The state highway commission may contribute toward a plan of hospital, surgical, medical and life insurance benefits the sum of twelve dollars per month for each employee who is a member of the state highway employees' and highway patrol retirement system. The highway commission may include coverage for members who have retired under the provisions of sections 104.010 through 104.260 in any plan for hospital, surgical and medical insurance benefits, provided such retired members are on the day preceding the effective date of this act covered under any group plan which provides such benefits for employees who are members of the highway employees' and highway patrol retirement system, and provided further that no contribution will be made by the commission or the state toward the cost of coverage for such retired members. The state highway commission may provide the insurance benefits authorized by this section by contract with insurance companies or, at its election, may provide for such coverage under section 104.515. If the State Highway Commission elects to contract with insurance companies or consultants concerning insurance benefits such contract shall be open to public competitive bidding and review. Bidding shall be accomplished at intervals no greater than three years if the contract is to continue beyond contract period. The Highway Commission shall require the insurance carriers or consultants to keep and report all census data and premium-loss data normally required in competitive bidding and shall furnish same to all prospective bidders.

104.515. Insurance to furnished, amount how determined—state contribution, amount—payroll deductions, amount—exception—dependants coverage.—1. The board shall provide or contract for insurance benefits to cover hospital, surgical and medical expenses for employees who are members of the Missouri state employees' retirement system under sections 104.310 to 104.550, and members of the judicial retirement system as provided by section 4 of this act. The board shall also include the insurance benefits authorized hereby for the members of the highway employees' and highway patrol retirement system under sections 104.010 to 104.260 if the state highway commission elects to provide insurance benefits under this section as authorized by section 104.270 and for the spouses and unemancipated children who have not attained twenty-one years of age of the members of each system which are included.

2. The board shall provide or contract for life insurance benefits for employees who are members of the Missouri state employees' retirement system under sections 104.310 to 104.550, and for members of the judicial retirement system as provided in section 4 of this act, and at the election of the state highway commission shall include employees who are members of the state highway employees' and highway patrol retirement system with the amount of life insurance benefits based on the creditable service of the employees as follows:

(1) Employees with less than six months of creditable service are entitled to no life insurance;

(2) Employees with six months of creditable service but less than two years of creditable service are entitled to one thousand dollars of life insurance;

(3) Employees with two years of creditable service but less than three years of creditable service are entitled to two thousand dollars of life insurance;

(4) Employees with three years of creditable service but less than four years of creditable service are entitled to three thousand dollars of life insurance;

(5) Employees with four years of creditable service but less than five years of creditable service are entitled to four thousand dollars of life insurance;

(6) Employees with five or more years of creditable service are entitled to five thousand dollars of life insurance;

(7) Life insurance benefits terminate when the member ceases to be an employee of the state.

3. The board shall establish and implement a program as provided in subsections 1 and 2. The board shall establish rules of eligibility for participation in the program, and shall avoid duplication of benefits provided to employees, their spouses and children under any other program of hospital, surgical and medical benefits provided through, or as a result of employment with a department, any other employer, or any plan established by the federal government. The benefits set forth in subsection 1 shall only be provided to employees, or employees, their spouses and children, complying with the rules of eligibility for participation established by the board, and for whom monthly voluntary payroll deductions for participation have been authorized under subsection 6. The benefits set forth in subsection 2 shall be provided all employees complying with the rules of eligibility for participation established by the board for whom contributions are being made under subsection 5, regardless of whether payroll deductions have been authorized by the employee under subsection 6. No member shall be eligible for benefits until such program shall become operative. The board shall establish the operative date which shall be within nine months of August 13, 1972. To the extent any benefits provided under this program are insured, the selection of any insurance company or service organization shall be on the basis of competitive bidding.

4. A separate account for hospital, surgical, medical and life insurance benefits shall be established as part of the fund. The funds, property and return on investments of the separate account shall not be commingled with any other funds, property and investment return of the system. All benefits and premiums are paid solely from the separate account for hospital, surgical, medical and life insurance benefits.

5. After the effective date of this act, the state shall contribute twelve dollars per month per employee who is a member of the Missouri state employees' retirement system, the judicial retirement system, each legislator and official holding an elective state office, and if the state highway commission so elects, those employees who are members of the state highway employees' and highway patrol retirement system. This amount shall be reported as a separate item in the monthly certification of contribution amounts which the commissioner of administration submits to the state treasurer and shall be deposited to the separate account for hospital, surgical, medical and life insurance benefits. All contributions made on behalf of members of the state highway employees' and highway patrol retirement system shall be made from highway funds.

6. The board shall determine the amounts required as a monthly payroll deduction for participating employees. The payroll deduction shall be the amount, which, together with the state's contribution, is required to fund the benefits provided, taking into account necessary actuarial reserves. Separate deductions shall be established for employees' benefits and a separate deduction shall be established for benefits for spouses and unemancipated children. The employee's deductions for spouse and children benefits shall be established to cover the entire cost of such benefits. All such payroll deductions shall be paid to the board of trustees at the time that each employee's wages or salary would normally be paid. The payroll deductions so remitted will be placed in the separate account for hospital, surgical, medical and life insurance benefits and shall not be refundable nor shall these deductions be considered in any refunds payable to members and their beneficiaries as provided by sections 104.310 to 104.550.

7. Insurance benefits to cover hospital, surgical, and medical expenses for employees, their spouses, and unemancipated children who have not attained twenty-one years of age, provided under subsection 1, terminate when the member ceases to be an employee, except that any employee, or his spouse and unemancipated children who have not attained age twenty-one, who have fulfilled the requirements to be covered for the benefits provided under subsection 1 for a period of at least two years immediately prior to the date of retirement or immediately prior to the date of commencement of survivorship payments, or who have continuously fulfilled such requirements from the operative date of the program as provided under subsection 3 until such date of such

retirement or commencement of survivorship payments, shall be eligible to continue to be covered for the benefits provided under subsection 1 following the date of such retirement or commencement of such survivorship payments under rules of eligibility for participation established by the board and on the basis that the covered persons pay the entire cost of the continued benefits, as determined by the board.

8. Notwithstanding subsections 1 through 7 of this section, retired members, their spouses, and unemancipated children, or the spouses of and unemancipated children of deceased members, who, on the day immediately preceding the operative date as provided under section 3, or in the case of members of the state highway employees' and highway patrol retirement system, on the day preceding the effective date of this act were covered members of any group providing prepaid hospital care and any group providing prepaid medical and surgical care where such group was composed entirely of members of the system, shall be eligible to participate in the program of insurance benefits to cover hospital, surgical, and medical expenses provided in subsection 1 under rules of eligibility for participation established by the board of trustees and on the basis that the covered persons pay the entire cost of the benefits as determined by the board.

9. Notwithstanding subsections 1 through 8 of this section, any persons employed by an agency, division, or department, who would be employees under sections 104.310 to 104.550, except by reason of coverage under the retirement system established under sections 169.010 to 169.130, RSMo, or their spouses and unemancipated children who have not attained age twenty-one, shall be eligible to participate in the program of insurance benefits to cover hospital, surgical, and medical expenses provided under subsection 1 and to continue such participation after retirement or after the death of the employed person, under rules of eligibility for participation established by the board of trustees, and on the basis that such covered persons pay the entire cost of such benefits, as determined by the board.

10. None of the provisions of this section apply to members who are employed by any agency, division, or department which has in effect a program of hospital, surgical, and medical benefits or a program of life insurance on August 13, 1972, which is wholly or partially paid by the employing agency, division, or department.

104.516. Retention of medical insurance by former employee, when authorized.—Any person, including members of the state highway employee's and highway patrol retirement system, if the state highway commission has elected to bring them under the provisions of section 104.515, members of the general assembly, officials holding elective state office and members of the judicial retirement system who at the time of his or her termination as an employee was entitled to a deferred normal annuity and was covered for a period of at least two years prior to such termination for hospital, surgical and medical expenses for employees and is not otherwise eligible to retain such benefits may elect to retain his or her eligibility to participate in such benefit program including benefits equal to those he or she had while an employee, by paying the entire cost of such benefits as determined by the board.

Section B. Emergency clause.—Because there is a serious and immediate need to provide health and medical insurance benefits for employees who are members of the state highway employees' and highway patrol retirement system, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved June 15, 1977.

[H. B. 253]

PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS: Special consultants to certain retirement systems.

AN ACT relating to special consultants to certain retirement systems.

SECTION

1. Consultants, extra duty, extra compensation for.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Consultants, extra duty, extra compensation for.—1. Each special consultant employed by a board of trustees of a retirement system as provided in section 104.610, RSMo. shall, in addition to duties prescribed in section 104.610, RSMo. and upon request of the board of trustees, give the board, orally or in writing, a short detailed statement on the problems of retirement under the current monthly benefits.

2. As compensation for the extra duty imposed by subsection 1 of this section, each special consultant shall receive, in addition to all other compensation provided by law, a four percent annual increase in addition to the total amount which the consultant received in the previous year from state retirement benefits, compensation under the provisions of section 104.610 RSMo., and compensation under the provisions of this act.

3. The compensation provided for in this section shall be payable in equal monthly installments and shall be consolidated with any retirement benefits and compensation due under section 104.610, RSMo. which is payable to the special consultant. The compensation provided for in this section shall be paid out of the general revenue fund, or any other fund or funds appropriated for that purpose.

4. The compensation provided for in this section shall be treated as any other state retirement benefits, payable by the Missouri state employees' retirement system or the highway employees' and highway patrol retirement system are treated and is hereby made and declared exempt from any tax of the state of Missouri or any political subdivision or taxing body thereof, and shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

5. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits under chapter 104, RSMo. or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

Approved June 15, 1977.

[H. B. 384]

PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS: Payment of certain state employees.

AN ACT to repeal section 105.270, RSMo Supp. 1975, relating to payment of certain state employees and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SECTION

1. Enacting clause.

SECTION

- 105.270. Leave of absence to perform military duties mandatory—discrimination against militia members a misdemeanor.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 105.270, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 105.270 to read as follows:

105.270. Leave of absence to perform military duties mandatory—discrimination against militia members a misdemeanor.—1. All officers and employees of this state, or of any department or agency thereof, or of any county, municipality, school district, or other political subdivisions, and all other public

employees of this state who are or may become members of the national guard or of any reserve component of the armed forces of the United States, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, for all periods of military services during which they are engaged in the performance of duty or training in the service of this state at the call of the governor and as ordered by the adjutant general without regard to length of time, and for all periods of military services during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of fifteen calendar days in any one calendar year.

2. Before any payment of salary is made covering the period of the leave the officer or the employee shall file with the appointing authority or supervising agency an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted which order shall contain the certification of the officer or employee's commanding officer of performance of duty in accordance with the terms of such order.

3. No member of the organized militia shall be discharged from employment by any of the aforementioned agencies because of being a member of the organized militia, nor shall he be hindered or prevented from performing any militia service he may be called upon to perform by proper authority nor otherwise be discriminated against or dissuaded from enlisting or continuing his service in the militia by threat or injury to him in respect to his employment. Any officer or agent of the aforementioned agencies violating any of the provisions of this section is guilty of a misdemeanor.

Approved July 27, 1977.

(H. B. 482)

PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS: Deferred compensation plans for public employees.

AN ACT to repeal sections 105.905 and 105.915, RSMo Supp. 1975, relating to deferred compensation plans for public employees, and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
105.905. Deferred payment agreements authorized—funds, how invested.

SECTION

105.915. Office of Administration to administer plan—written agreement required—approved investments.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 105.905 and 105.915, RSMo Supp. 1975, are repealed and two new sections enacted in lieu thereof, to be known as sections 105.905 and 105.915, to read as follows:

105.905. Deferred payment agreements authorized—funds, how invested.—Notwithstanding any law to the contrary, the state of Missouri, or any city, county, or other political subdivision shall be authorized to enter into a written contract with any of their employees to defer, in whole or in part, any part of their gross compensation and invest said funds in any such manner as prescribed by the deferred compensation program of the state, or its cities, counties, or other political subdivisions and as permitted under subsequent provisions of sections 105.900 to 105.925.

105.915. Office of Administration to administer plan—written agreement required—approved investments.—1. Subject to the approval of Missouri state public employees deferred compensation commission, the office of administration shall establish and administer a deferred compensation plan for the employees of the state of Missouri. Participation in such plan shall be by a specific written agreement between

such employees and the state which shall provide for the deferral of such amount of compensation as requested by the employee. Participating employees must authorize that such deferrals be made from their wages for the purpose of participation in such program.

2. Notwithstanding any other provision of this code, funds held for the state by the Missouri public employees deferred compensation commission pursuant to written deferred compensation agreement between the state and participating employees may be invested, in such investments as are deemed appropriate by the office of administration and approved by the commission, including, but not limited to, life insurance or annuity contracts or mutual funds. It is further provided that all such insurance, annuities, mutual funds, or other such investment products to be offered pursuant to this plan shall have been reviewed and selected by the commission based on a competitive bidding process as established by such specifications and considerations as are deemed appropriate by the commission. Such investments shall not be construed to be a prohibited use of the general assets of the state.

3. In no case shall such investment be offered by other than such persons and companies authorized and duly licensed by the state of Missouri and applicable federal regulatory agencies to offer such insurance or investment programs in compliance with all relevant provisions of this code.

Approved June 8, 1977.

(S. B. 357)

PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS:

Registration of bonds issued by certain political subdivisions by the State Auditor.

AN ACT to repeal section 108.240, RSMo 1969, relating to the registration of bonds issued by certain political subdivisions by the state auditor, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

108.240. Bonds to be registered—validity—defenses.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 108.240, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 108.240, to read as follows:

108.240. Bonds to be registered—validity—defenses.—Before any bond, hereafter issued by any county, township, city, town, village or school district or special road district or by virtue of the provisions of chapters 243, 245, 248, and sections 242.010 to 242.690, RSMo, for any purpose whatever, shall obtain validity or be negotiated, such bonds shall first be presented to the state auditor, who shall register the same in a book or books, provided for that purpose, in the same manner as state bonds are now registered, and who, other provisions of law notwithstanding, shall certify by manual or facsimile endorsement of such bond that all conditions of the laws have been complied with in its issue, if that be the case, and also that the conditions of the contract, under which they were ordered to be issued, have also been complied with and the evidence of that fact shall be filed and preserved by the auditor. The state auditor may endorse bonds with his facsimile signature in lieu of manual signature after filing his manual signature, certified by him under oath, with the secretary of state. Such bonds after receiving the said certificate of the auditor as herein provided shall thereafter be held in every action, suit or proceeding in which their validity is, or may be, brought into question, prima facie, valid and binding obligations, and in every action brought to enforce collection of such bond, the certificate of such auditor, or a duly certified copy

thereof, shall be admitted and received in evidence of the validity of such bonds, together with the coupons thereto attached; provided, the only defense which can be offered against the validity of such bonds shall be for forgery or fraud. But this section shall not be construed to give validity to any such bonds as may be issued in excess of the limit fixed by the constitution, or contrary to its provisions, but all such bonds shall, to the extent of such excess, be held void; and provided further, that the remedy of injunction shall also lie at the instance of any taxpayer of the respective city, town, village, township or school district to prevent the registration of any bonds, alleged to be illegally issued or funded under any of the provisions of sections 108.240 to 108.300.

Approved July 27, 1977.

[S. S. H. B. 101]

SUFFRAGE AND ELECTIONS: Comprehensive Election Act of 1977.

AN ACT to repeal sections 111.011, 111.051, 111.061, 111.071, 111.081, 111.091, 111.101, 111.111, 111.121, 111.131, 111.141, 111.151, 111.161, 111.171, 111.181, 111.191, 111.201, 111.211, 111.221, 111.231, 111.251, 111.261, 111.271, 111.281, 111.311, 111.321, 111.331, 111.341, 111.351, 111.361, 111.371, 111.381, 111.391, 111.401, 111.411, 111.421, 111.431, 111.441, 111.451, 111.461, 111.471, 111.481, 111.501, 111.511, 111.521, 111.531, 111.541, 111.561, 111.571, 111.581, 111.591, 111.601, 111.621, 111.631, 111.641, 111.651, 111.661, 111.671, 111.681, 111.691, 111.701, 111.711, 111.721, 111.731, 111.741, 111.751, 111.761, 111.771, 111.781, 111.791, 111.811, 112.020, 112.030, 112.035, 112.061, 112.063, 112.080, 112.090, 112.100, 112.110, 112.300, 112.310, 112.320, 112.330, 112.350, 112.360, 112.370, 112.381, 112.400, 112.410, 113.010, 113.030, 113.050, 113.060, 113.075, 113.080, 113.090, 113.100, 113.110, 113.120, 113.130, 113.140, 113.150, 113.160, 113.170, 113.200, 113.205, 113.230, 113.250, 113.260, 113.270, 113.280, 113.290, 113.300, 113.310, 113.320, 113.325, 113.340, 113.350, 113.360, 113.370, 113.380, 113.390, 113.400, 113.410, 113.420, 113.490, 113.500, 113.520, 113.550, 113.560, 113.570, 113.580, 113.590, 113.600, 113.610, 113.630, 113.640, 113.650, 113.660, 113.670, 113.712, 113.716, 113.740, 113.810, 113.820, 113.830, 113.833, 113.837, 113.840, 113.850, 113.860, 113.865, 113.870, 117.010, 117.020, 117.025, 117.030, 117.050, 117.060, 117.070, 117.080, 117.090, 117.100, 117.110, 117.120, 117.130, 117.150, 117.160, 117.170, 117.180, 117.190, 117.201, 117.210, 117.220, 117.230, 117.240, 117.250, 117.260, 117.270, 117.280, 117.290, 117.310, 117.320, 117.340, 117.350, 117.360, 117.370, 117.380, 117.400, 117.410, 117.420, 117.430, 117.440, 117.450, 117.460, 117.470, 117.480, 117.490, 117.500, 117.510, 117.520, 117.530, 117.540, 117.550, 117.560, 117.570, 117.580, 117.590, 117.600, 117.610, 117.620, 117.630, 117.640, 117.650, 117.660, 117.670, 117.680, 117.690, 117.700, 117.710, 117.720, 117.730, 117.740, 117.750, 117.760, 117.770, 117.780, 117.790, 117.800, 117.810, 117.820, 117.830, 117.840, 117.850, 117.860, 117.870, 117.880, 117.890, 117.900, 118.010, 118.020, 118.050, 118.060, 118.065, 118.070, 118.080, 118.090, 118.100, 118.110, 118.130, 118.140, 118.150, 118.153, 118.156, 118.160, 118.180, 118.190, 118.200, 118.210, 118.220, 118.230, 118.245, 118.260, 118.270, 118.280, 118.290, 118.310, 118.320, 118.330, 118.340, 118.360, 118.370, 118.380, 118.410, 118.420, 118.430, 118.440, 118.450, 118.460, 118.480, 118.490, 118.500, 118.510, 118.520, 118.530, 118.540, 118.550, 118.560, 118.570, 118.580, 118.600, 118.610, 118.620, 118.630, 118.640, 118.650, 118.660, 118.670, 118.680, 118.690, 118.700, 118.710, 118.720, 118.730, 118.740, 118.750, 118.760, 118.770, 118.780, 118.790, 119.011, 119.030, 119.040, 119.050, 119.070, 119.080, 119.110, 119.120, 119.140, 119.150, 119.160, 119.170, 119.190, 119.200, 119.210, 119.220, 119.230, 119.240, 119.250, 119.260, 119.270, 119.280, 119.290, 119.310, 119.320, 119.330, 119.340, 119.350, 119.360, 119.370, 119.390, 119.400, 119.410, 119.420, 119.430, 119.440, 119.450, 119.455, 119.460, 119.470, 119.480, 119.490, 119.500, 119.510, 119.520, 119.530, 119.540, 119.550, 119.560, 119.570, 119.580, 119.590, 119.600, 119.610, 119.620, 119.630, 119.640, 119.650, 119.655, 119.660, 120.090, 120.120, 120.160, 120.180,

120.210, 119.215, 119.220, 120.240, 120.300, 120.310, 120.320, 120.330, 120.345, 120.350, 120.370, 120.380, 120.390, 120.400, 120.410, 120.420, 120.430, 120.440, 120.460, 120.480, 120.490, 120.500, 120.510, 120.520, 120.530, 120.540, 120.545, 120.550, 120.560, 120.580, 120.590, 120.600, 120.610, 119.620, 120.630, 120.640, 120.650, 120.760, 120.770, 120.781, 120.783, 120.787, 120.790, 120.800, 120.810, 120.820, 120.830, 120.840, 121.040, 121.050, 121.060, 121.070, 121.080, 121.090, 121.100, 121.110, 121.120, 121.130, 121.140, 121.150, 121.160, 121.170, 121.180, 121.190, 121.200, 121.210, 121.220, 121.230, 121.240, 121.250, 121.260, 121.270, 124.030, 124.040, 124.070, 124.080, 124.090, 124.100, 124.110, 124.120, 124.130, 124.140, 124.150, 124.160, 124.170, 124.180, 124.190, 124.200, 124.210, 124.220, 124.230, 124.240, 124.250, 124.260, 124.270, 124.280, 124.290, 124.300, 124.310, 124.320, 124.330, 124.340, 124.350, 124.360, 124.370, 124.380, 129.010, 129.020, 129.030, 129.040, 129.050, 129.060, 129.080, 129.090, 129.300, 129.310, 129.320, 129.330, 129.350, 129.360, 129.370, 129.380, 129.390, 129.400, 129.410, 129.420, 129.430, 129.440, 129.450, 129.460, 129.470, 129.480, 129.490, 129.500, 129.510, 129.600, 129.610, 129.620, 129.630, 129.640, 129.650, 129.660, 129.670, 129.680, 129.690, 129.700, 129.710, 129.720, 129.730, 129.740, 129.800, 129.810, 129.820, 129.830, 129.840, 129.850, 129.860, 129.870, 129.880, 129.890, 129.900, 129.910, 129.940, 129.950, and 129.970, RSMo 1969, sections 111.023, 111.031, 111.241, 111.291, 111.301, 111.362, 111.551, 111.611, 111.801, 112.010, 112.015, 112.040, 112.050, 112.067, 113.070, 113.180, 113.190, 113.210, 113.330, 113.530, 113.620, 113.690, 114.011, 114.016, 114.021, 114.026, 114.031, 114.036, 114.040, 114.041, 114.046, 114.051, 114.056, 114.061, 114.066, 114.071, 114.076, 114.081, 114.086, 114.091, 114.096, 114.111, 114.116, 114.121, 114.126, 114.131, 114.136, 114.141, 114.146, 117.140, 118.030, 118.040, 118.120, 118.170, 118.240, 118.350, 118.390, 118.400, 118.475, 118.590, 119.020, 119.090, 119.100, 119.130, 119.180, 119.700, 120.140, 120.150, 120.170, 120.190, 120.200, 120.340, 120.375, 120.450, 120.570, 120.750, 120.780, 121.242, 124.010, 124.020, 124.050, 124.051, 124.060, 129.920 and 129.960, RSMo Supp. 1975, sections 51.450 and 51.460 of House Bill 1138 passed by the second regular session of the 78th General Assembly and approved by the Governor on May 12, 1976 and sections 111.021, 111.041, 112.340, 113.040, 113.040, 113.220, 113.240, 113.540, 113.825, 117.040, 117.300, 117.330, 117.390, 118.250, 118.300, 119.060, 119.300 and 119.380 of Senate Bill 506 passed by the second regular session of the 78th General Assembly and approved by the Governor on March 31, 1976, relating to elections and to enact in lieu thereof three hundred and twelve new sections relating to the same subject, with a termination date for certain sections with penalty provisions, with an effective date.

SECTION

1. Enacting clause.
- 1.001. Short title.
- 1.005. Purpose clause.
- 1.010. Scope of act.
- 1.015. Presumption against implied repealer.
- 1.020. Effective date of act January 1, 1978.
- 1.023. Rules pursuant to this act expire, when, exception—this section terminates November 30, 1981.
- 1.025. Definitions.
- 2.001. Election authority established and defined.
- 2.005. Election commissioners, where.
- 2.010. Voters may petition to establish a board of election commissioners, procedure—form of petition.
- 2.015. Jurisdiction of election boards.

SECTION

- 2.020. Election authority to conduct all elections—which authority, how determined.
- 2.023. County clerk's compensation for extra duties.
- 2.025. Election commissioners, how appointed.
- 2.030. Election commissioners, when appointed, term of office.
- 2.035. Election commissioner, qualifications of.
- 2.040. Oath of office, election commissioners.
- 2.045. Compensation of election commissioners.
- 2.050. Removal of commissioner, when.
- 2.055. New board to receive records and property.
- 2.060. Commissioners in office to complete term.

SECTION

- 2.065. Boards may make rules.
- 2.070. Boards may employ staff.
- 2.075. Employees of board to be bipartisan.
- 2.080. Number of employees authorized.
- 2.085. County clerk may employ election staff and fix compensation.
- 2.090. Election authority deputies—bipartisan requirement—duties, compensation.
- 2.095. Who may administer oaths.
- 2.100. Offices may be maintained, to be open, when.
- 2.105. Peace officers to assist election authority or election officials, when requested.
- 2.505. State to pay all costs of election, when.
- 2.510. Political subdivision to pay all costs of election, when.
- 2.515. Election costs to be shared proportionally, when.
- 2.520. Ballot costs only paid, when.
- 2.525. Election judges paid by whom (Jackson County).
- 2.530. Election costs, how paid (Kansas City).
- 2.535. Election costs, how paid (Clay, Platte and Jackson Counties).
- 2.540. County's election expenses to be paid from county general revenue, exception.
- 2.545. Subdivisions without an election authority to pay to authority conducting election, procedure for.
- 3.001. Election judges, how appointed.
- 3.005. Number of judges to be appointed, supervisory judges, duties of.
- 3.010. Additional judges authorized, even number and bipartisan required.
- 3.015. Qualifications of judges.
- 3.020. Selection of judges in counties not having a board of election commissioners.
- 3.025. Terms of election judges appointed by board.
- 3.030. Oath of election judge.
- 3.035. Vacancy, how filled.
- 3.040. Judge failing to appear, temporary judge to be appointed, how.
- 3.043. Judge not to be absent from polls more than one hour—not more than one judge from the same party to be absent at the same time.
- 3.045. Authority to supervise judges.
- 3.050. Judges' compensation, how set.
- 3.055. Training courses authorized, compensation while in training authorized.
- 4.001. Challengers, how selected—challenges, when made.
- 4.005. Watchers, how selected, duties of.
- 4.015. Oath of challengers and watchers.
- 4.020. Improper conduct of challenger or watcher, how handled.
- 5.001. Precincts, how established.
- 5.010. Polling places, how designated—

SECTION

- notice to voters—voter not required to go to more than one polling place.
- 5.015. Tax-supported buildings must be made available as polling places—may rent private polling place, when.
- 5.020. Polling place to be marked.
- 6.001. General election, when held—primary election, when held.
- 6.005. Public elections to be on Tuesdays—exceptions.
- 6.010. Notice of election, when given—exceptions.
- 6.015. Special elections, notice of, when, how given.
- 6.020. Notice of election by mail authorized, contents of.
- 6.025. Notice by publication, when, contents of.
- 7.010. Qualifications of voters.
- 7.015. Persons entitled to register.
- 7.020. Registered voters may vote in all elections—exception.
- 7.025. Unregistered voter may not vote—exception.
- 7.030. Registration to be supervised by election authority.
- 7.035. Deputy registration officials, qualifications of—public employees eligible.
- 7.040. Registration duties of election authority.
- 7.045. Deputy registration officials, duties of.
- 7.050. Election authorities registration jurisdiction.
- 7.055. Registration complete, when.
- 7.060. Registration, where accomplished—exception.
- 7.065. Form for registration by mail.
- 7.070. Registration information may be computerized—voter lists may be sold—candidates may receive lists free.
- 7.075. Registration by mail, when allowed—form of application—procedure for registration.
- 7.080. Registration of persons unable to write.
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Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 111.011, 111.051, 111.061, 111.071, 111.081, 111.091, 111.101, 111.111, 111.121, 111.131, 111.141, 111.151, 111.161, 111.171, 111.181, 111.191, 111.201, 111.211, 111.221, 111.231, 111.251, 111.261, 111.271, 111.281, 111.311, 111.321, 111.331, 111.341, 111.351, 111.361, 111.371, 111.381, 111.391, 111.401, 111.411, 111.421, 111.431, 111.441, 111.451, 111.461, 111.471, 111.481, 111.501, 111.511, 111.521, 111.531, 111.541, 111.561, 111.571, 111.581, 111.591, 111.601, 111.621, 111.631, 111.641, 111.651, 111.661, 111.671, 111.681, 111.691, 111.701, 111.711, 111.721, 111.731, 111.741, 111.751, 111.761, 111.771, 111.781, 111.791, 111.811, 112.020, 112.030, 112.035, 112.061, 112.063, 112.080, 112.090, 112.100, 112.110, 112.300, 112.310, 112.320, 112.330, 112.350, 112.360, 112.370, 112.381, 112.400, 112.410, 113.010, 113.030, 113.050, 113.060, 113.075, 113.080, 113.090, 113.100, 113.110, 113.120, 113.130, 113.140, 113.150, 113.160, 113.170, 113.200, 113.205, 113.230, 113.250, 113.260, 113.270, 113.280, 113.290, 113.300,

113.310, 113.320, 113.325, 113.340, 113.350, 113.360, 113.370, 113.380, 113.390, 113.400, 113.410, 113.420, 113.490, 113.500, 113.520, 113.550, 113.560, 113.570, 113.580, 113.590, 113.600, 113.610, 113.630, 113.640, 113.650, 113.660, 113.670, 113.712, 113.716, 113.740, 113.810, 113.820, 113.830, 113.833, 113.837, 113.840, 113.850, 113.860, 113.865, 113.870, 117.010, 117.020, 117.025, 117.030, 117.050, 117.060, 117.070, 117.080, 117.090, 117.100, 117.110, 117.120, 117.130, 117.150, 117.160, 117.170, 117.180, 117.190, 117.201, 117.210, 117.220, 117.230, 117.240, 117.250, 117.260, 117.270, 117.280, 117.290, 117.310, 117.320, 117.340, 117.350, 117.360, 117.370, 117.380, 117.400, 117.410, 117.420, 117.430, 117.440, 117.450, 117.460, 117.470, 117.480, 117.490, 117.500, 117.510, 117.520, 117.530, 117.540, 117.550, 117.560, 117.570, 117.580, 117.590, 117.600, 117.610, 117.620, 117.630, 117.640, 117.650, 117.660, 117.670, 117.680, 117.690, 117.700, 117.710, 117.720, 117.730, 117.740, 117.750, 117.760, 117.770, 117.780, 117.790, 117.800, 117.810, 117.820, 117.830, 117.840, 117.850, 117.860, 117.870, 117.880, 117.890, 117.900, 118.010, 118.020, 118.050, 118.060, 118.065, 118.070, 118.080, 118.090, 118.100, 118.110, 118.130, 118.140, 118.150, 118.153, 118.156, 118.160, 118.180, 118.190, 118.200, 118.210, 118.220, 118.230, 118.245, 118.260, 118.270, 118.280, 118.290, 118.310, 118.320, 118.330, 118.340, 118.360, 118.370, 118.380, 118.410, 118.420, 118.430, 118.440, 118.450, 118.460, 118.480, 118.490, 118.500, 118.510, 118.520, 118.530, 118.540, 118.550, 118.560, 118.570, 118.580, 118.600, 118.610, 118.620, 118.630, 118.640, 118.650, 118.660, 118.670, 118.680, 118.690, 118.700, 118.710, 118.720, 118.730, 118.740, 118.750, 118.760, 118.770, 118.780, 118.790, 118.800, 119.011, 119.030, 119.040, 119.050, 119.070, 119.080, 119.110, 119.120, 119.140, 119.150, 119.160, 119.170, 119.190, 119.200, 119.210, 119.220, 119.230, 119.240, 119.250, 119.260, 119.270, 119.280, 119.290, 119.310, 119.320, 119.330, 119.340, 119.350, 119.360, 119.370, 119.390, 119.400, 119.410, 119.420, 119.430, 119.440, 119.450, 119.455, 119.460, 119.470, 119.480, 119.490, 119.500, 119.510, 119.520, 119.530, 119.540, 119.550, 119.560, 119.570, 119.580, 119.590, 119.600, 119.610, 119.620, 119.630, 119.640, 119.650, 119.655, 119.660, 120.090, 120.120, 120.160, 120.180, 120.210, 120.215, 120.220, 120.240, 120.300, 120.310, 120.320, 120.330, 120.345, 120.350, 120.370, 120.380, 120.390, 120.400, 120.410, 120.420, 120.430, 120.440, 120.460, 120.480, 120.490, 120.500, 120.510, 120.520, 120.530, 120.540, 120.545, 120.550, 120.560, 120.580, 120.590, 120.600, 120.610, 120.620, 120.630, 120.640, 120.650, 120.760, 120.770, 120.781, 120.783, 120.787, 120.790, 120.800, 120.810, 120.820, 120.830, 120.840, 121.040, 121.050, 121.060, 121.070, 121.080, 121.090, 121.100, 121.110, 121.120, 121.130, 121.140, 121.150, 121.160, 121.170, 121.180, 121.190, 121.200, 121.210, 121.220, 121.230, 121.240, 121.250, 121.260, 121.270, 124.030, 124.040, 124.070, 124.080, 124.090, 124.100, 124.110, 124.120, 124.130, 124.140, 124.150, 124.160, 124.170, 124.180, 124.190, 124.200, 124.210, 124.220, 124.230, 124.240, 124.250, 124.260, 124.270, 124.280, 124.290, 124.300, 124.310, 124.320, 124.330, 124.340, 124.350, 124.360, 124.370, 124.380, 129.010, 129.020, 129.030, 129.040, 129.050, 129.060, 129.080, 129.090, 129.300, 129.310, 129.320, 129.330, 129.350, 129.360, 129.370, 129.380, 129.390, 129.400, 129.410, 129.420, 129.430, 129.440, 129.450, 129.460, 129.470, 129.480, 129.490, 129.500, 129.510, 129.600, 129.610, 129.620, 129.630, 129.640, 129.650, 129.660, 129.670, 129.680, 129.690, 129.700, 129.710, 129.720, 129.730, 129.740, 129.800, 129.810, 129.820, 129.830, 129.840, 129.850, 129.860, 129.870, 129.880, 129.890, 129.900, 129.910, 129.940, 129.950, and 129.970, RSMo 1969, sections 111.023, 111.031, 111.241, 111.291, 111.301, 111.362, 111.551, 111.611, 111.801, 112.010, 112.015, 112.040, 112.050, 112.067, 113.070, 113.180, 113.190, 113.210, 113.330, 113.530, 113.620, 113.690, 114.011, 114.016, 114.021, 114.026, 114.031, 114.036, 114.040, 114.041, 114.046, 114.051, 114.056, 114.061, 114.066, 114.071, 114.076, 114.081, 114.086, 114.091, 114.096, 114.111, 114.116, 114.121, 114.126, 114.131, 114.136, 114.141, 114.146, 117.140, 118.030, 118.040, 118.120, 118.170, 118.240, 118.350, 118.390, 118.400, 118.475, 118.590, 119.020, 119.090, 119.100, 119.130, 119.180, 119.700, 120.140, 120.150, 120.170, 120.190, 120.200, 120.340, 120.375, 120.450, 120.570, 120.750, 120.780, 121.242, 124.010, 124.020, 124.050, 124.051, 124.060, 129.920, and 129.960, RSMo Supp. 1975, sections 51.450 and 51.460 of House Bill 1138 passed by the second regular session of the 78th General Assembly and approved by the Governor on May 12, 1976 and sections 111.021, 111.041, 112.340,

113.040, 113.220, 113.240, 113.540, 113.825, 117.040, 117.300, 117.330, 117.390, 118.250, 118.300, 119.060, 119.300 and 119.380, of Senate Bill 506 passed by the second regular session of the 78th General Assembly and approved by the Governor on March 31, 1976, are repealed and three hundred and twelve new sections enacted in lieu thereof, to read as follows:

1.001. Short title.—This act shall be known as the Comprehensive Election Act of 1977.

1.005. Purpose clause.—The purpose of this act is to simplify, clarify and harmonize the laws governing elections. It shall be construed and applied so as to accomplish its purpose.

1.010. Scope of act.—Notwithstanding any other provision of law to the contrary, this act shall apply to all public elections in the state.

1.015. Presumption against implied repealer.—No part of this act shall be construed as impliedly amended or repealed by subsequent legislation if such construction can be reasonably avoided.

1.020. Effective date of act January 1, 1978.—The effective date of this act shall be January 1, 1978. Any amendment made to a provision repealed by this act shall remain in force only until this act becomes effective.

1.023. Rules pursuant to this act expire, when, exception—this section terminates November 30, 1981.—1. Any rule or regulation issued pursuant to this act after the effective date of this act shall expire two years after promulgation thereof unless, prior to such date, both houses of the general assembly, by concurrent resolution approved by the governor, shall approve such rule.

2. This section shall terminate November 30, 1981.

1.025. Definitions.—As used in this act, unless the context clearly implies otherwise, the following terms shall mean:

(1) "Automatic tabulating equipment" includes the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;

(2) "Ballot" includes the ballot card, ballot label or paper ballot on which each voter may cast all votes to which he is entitled at an election;

(3) "Ballot card" is a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;

(4) "Ballot label" is the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;

(5) "Counting location" is a location selected by the election authority for the automatic processing or counting, or both, of ballots;

(6) "County" means any one of the several counties of this state or the city of St. Louis;

(7) "Disqualified" shall apply to any candidate whose name is stricken or withheld from the ballot by an election authority or court order for reason of ineligibility for office and whose name has not been restored to the ballot by the election authority or court order;

(8) "District" means an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy making body with representatives of other areas in the state or political subdivision;

(9) "Electronic voting system" is a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment;

(10) "Established political party" for the state shall mean a political party which, at either of the last two general elections, polled for its candidate for any state-wide office, more than two percent of the entire vote cast for the office; "established political

party" for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

(11) "Federal office" means the office of presidential elector, United States senator, or representative in congress;

(12) "Independent" shall mean a candidate who is not a candidate of any political party and who is running for an office for which party candidates may run;

(13) "Major political party" means the political party whose candidates received the highest or second highest number of votes at the last general election;

(14) "Marking device" is either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device for marking paper ballots with ink or other substance which will enable the votes to be counted by automatic tabulating equipment;

(15) "New party" shall mean any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

(16) "Nonpartisan" shall mean a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

(17) "Political party" shall mean any established political party and any new party;

(18) "Political subdivision" means a county, city, town, village, or township of a township organization county;

(19) "Polling place" means the voting place designated for all voters residing in one or more precincts for any election;

(20) "Precincts" means the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

(21) "Public office" means any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the reserve forces or the national guard or the office of notary public;

(22) "Question" means any measure on the ballot which can be voted "YES" or "NO";

(23) "Relative within the second degree by consanguinity or affinity" includes a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person;

(24) "Special district" means any school district, water district, fire protection district or other district formed under the laws of Missouri to provide limited, specific services;

(25) "Voting district" means the one or more precincts within which all voters vote at a single polling place for any election.

2.001. Election authority established and defined.—The county clerk shall be the election authority, except that in a city or county having a board of election commissioners, the board of election commissioners shall be the election authority.

2.005. Election commissioners, where.—There shall be a board of election commissioners:

1. In each county which has or hereafter has over nine hundred thousand inhabitants;

2. In each city not situated in a county;

3. In each city which has over three hundred thousand inhabitants on the effective date of this act and is situated in more than one county;

4. In each county of the first class containing any part of a city which has over three hundred thousand inhabitants;

5. In each county of the first class which elects to have such a board through procedures provided in section 2.010.

2.010. Voters may petition to establish a board of election commissioners. procedure—form of petition.—1. Any group of registered voters from any county of the first class not having a board of election commissioners may circulate a petition for the formation of a board.

2. The petition shall be signed by the number of registered voters in the county equal to at least fifteen percent of the total votes cast in the county for governor at the last gubernatorial election.

3. Petitions proposing the formation of a board of election commissioners in any county of the first class shall be filed with the election authority of the county not later than 5:00 p.m. on the tenth Friday preceding a general election.

4. Each petition for the formation of a board of election commissioners shall consist of sheets of uniform size. The space for signatures on either side of a petition page shall be no larger than $8\frac{1}{2} \times 14$ inches, and each page shall contain signatures of registered voters from only one county. Each page of each petition for the formation of a board of election commissioners shall be in substantially the following form:

To the Honorable county clerk of county:

We, the undersigned, citizens and registered voters of county, respectfully order that the following question be placed on the official ballot, for acceptance or rejection, at the next general election to be held on the day of 19

"Should a board of election commissioners be established in county to assume responsibility for the registration of voters and the conduct of elections?"; and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri and county; my street address and the name of the city, town or village in which I live are correctly written after my name.

NAME (Signature)		ADDRESS (Street)(City, Town or Village)	ZIP Code	VERIFICATION AFFIDAVIT STATE OF MISSOURI COUNTY OF I, a registered voter of the state of Missouri, being first duly sworn, say: (Print or type names of signers)
(Here follow numbered lines for signers)				
Subscribed and sworn to before me this day of A.D., 19..... Notary public (Seal) My commission expires				signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, street address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and county Signature of affiant (Person obtaining signatures) Address of affiant

5. Each sheet containing signatures shall be verified by the person who circulated the sheet in the manner provided in subsection 5 of section 10.050.

6. The validity of each petition filed under provisions of this section shall be determined in the manner provided for new party and independent candidate petitions in sections 10.070, 10.073 and 10.075.

7. Upon the filing of a valid petition for the formation of a board of election commissioners, it shall be the duty of the election authority to have the following question placed on the official ballot, in the same manner other questions are placed, at the next general election:

"Should a board of election commissioners be established in county to assume responsibility for the registration of voters and the conduct of elections?"

8. The votes for and against the question shall be counted and certified in the same manner as votes on other questions.

9. If the question is approved by a majority of the voters at the election, a board of election commissioners shall be appointed as provided in this chapter and shall have the same rights and responsibilities provided by law for all boards of election commissioners.

10. Any person who is a registered voter of a county of the first class not having a board of election commissioners may sign a petition for the formation of a board in the county. Any person who signs a name other than his own to any petition or knowingly signs his name more than once to the same petition or who knows he is not a registered voter at the time of signing such petition, or any officer or person willfully violating any provision of section 2.010 shall be guilty of a class two election offense.

2.015. Jurisdiction of election boards.—1. In each city which has over 300,000 inhabitants on the effective date of this act and is situated in more than one county, the board of election commissioners for the city shall have jurisdiction in that part of the city situated in the county containing the major portion of the city.

2. In each county of the first class containing the major portion of a city which has over 300,000 inhabitants, the board of election commissioners shall have jurisdiction in that part of the county outside the city.

3. In each city not situated in a county, the board of election commissioners shall have jurisdiction throughout the city.

4. In all other counties, the election authority shall have jurisdiction throughout the county.

2.020. Election authority to conduct all elections—which authority, how determined.—1. Except as provided in subsections 2, 3 and 4 of this section, each election authority shall conduct all public elections within its jurisdiction.

2. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the election authority of the jurisdiction with the greatest proportion of the political subdivision's or special district's registered voters shall be responsible for publishing any legal notice required in section 6.015 or 12.365 of this act in the jurisdictions in which the election is to be held.

3. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the affected election authorities may, by contract, authorize one of their number to conduct the election for all or any part of the political subdivision or special district. In any election conducted pursuant to this subsection, the election authority conducting part of an election in an area outside its jurisdiction may consolidate precincts across jurisdiction lines and shall have all powers and duties granted under the provisions of this act, except the provisions of chapter 7 and sections 9.010 and 9.055, in the area outside its jurisdiction.

4. The clerk or secretary of any political subdivision or special district shall conduct an election for the political subdivision or special district if the political

subdivision or special district is wholly located in a county or counties without a board of election commissioners, if the political subdivision or special district does not overlap another political subdivision or special district conducting an election on the same day and if directed to do so by the governing body of the political subdivision or special district. Not later than 5:00 p.m. on the Friday after the sixth Tuesday prior to any political subdivision or special district election conducted by the clerk or secretary of the political subdivision or special district pursuant to this subsection, the political subdivision or special district calling the election shall notify the county clerks otherwise responsible for conducting the election. The notice shall be in writing and shall include the name of the political subdivision or special district calling the election and a statement the political subdivision or special district intends to conduct its own election. If proper notice is not received by a county clerk by the time specified, the county clerk shall conduct the political subdivision or special district election for that part of the political subdivision or special district located in its county. Before conducting an election under the provisions of this subsection, the political subdivision or special district shall notify the county clerk as provided and by the time provided in section 6.010. In conducting such elections, the clerk or secretary of the political subdivision or special district shall have all powers and duties granted to county clerks under the provisions of this act, except the provisions of section 5.001 and chapter 7. For the purposes of this subsection, the jurisdiction of the clerk or secretary shall be the political subdivision or special district.

6. Notwithstanding the provision of Section 493.030 whenever the publication of a legal advertisement, legal notice, order of court or public notice of any kind is allowed or required under this act, a newspaper publishing such notice shall charge and receive not more than its regular local classified advertising rate. The regular local classified advertising rate is that rate shown by the newspaper's rate schedule as offered to the public, and shall have been in effect for a least thirty days preceding publication of the particular notice to which it is applied.

2.023. County clerk's compensation for extra duties.—1. For the performance of additional duties imposed by section 2.020, the county clerk in each county which does not have a board of election commissioners shall receive an annual amount, which shall be equal to the sum of two variable amounts, one based upon the population of the county and the other upon the assessed valuation of the county and shall be payable in equal monthly installments out of the county treasury.

2. The amount based upon population shall be computed according to the following schedule:

COUNTY POPULATION	AMOUNT
Less than 5,000	\$750
5,001 to 25,000	1,000
25,001 to 45,000	1,250
45,001 to 65,000	1,500
65,001 to 85,000	1,750
85,001 to 105,000	2,000
105,001 to 125,000	2,250
125,001 to 145,000	2,500
More than 145,000	2,750

3. The amount based upon assessed valuation shall be computed according to the following schedule:

ASSESSED VALUATION OF COUNTY	AMOUNT
Less than 10,000,000	\$750
10,000,001 to 55,000,000	1,000

55,000,001 to 100,000,000	1,250
100,000,001 to 145,000,000	1,500
145,000,001 to 190,000,000	1,750
190,000,001 to 235,000,000	2,000
235,000,001 to 280,000,000	2,250
280,000,001 to 325,000,000	2,500
More than 325,000,000	2,750

4. The total annual amount shall be determined on or before January 1, 1979 and each year thereafter. The county population shall be based on the last federal decennial census, and the assessed valuation of the county shall be based on the last available report of the state tax commission.

2.025. Election commissioners, how appointed.—Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2.030. Election commissioners, when appointed, term of office.—1. In each county of the first class containing the major portion of a city which has more than 300,000 inhabitants, each election commissioner shall be appointed on April 21, 1982 for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn.

2. In each county containing a portion but not the major portion of a city which has more than 300,000 inhabitants, each election commissioner shall be appointed on June 15, 1981 for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn.

3. In all other cities and counties which have or hereafter have a board of election commissioners, each commissioner's term of office shall coincide with the term of the governor who appoints him and until the commissioner's successor is appointed, confirmed and sworn.

2.035. Election commissioner, qualifications of.—Each election commissioner shall be a registered voter and a resident of the jurisdiction for which he is appointed for at least one year preceding his appointment. During his term of office, no commissioner shall hold any statutory position within a political party or on a political committee, be a candidate for political office or hold any other public office.

2.040. Oath of office, election commissioners.—Before entering upon his duties, each commissioner shall take and subscribe an oath to support the Constitution of the United States and of this state and to demean himself faithfully and impartially in office. Before entering upon his duties, each commissioner shall give bond to the state in the sum of ten thousand dollars, with security to be approved by the governor, conditioned for the faithful and honest performance of his duties and the care and preservation of the board's property. Not later than 30 days after a commissioner is sworn, his oath and bond shall be filed with the secretary of state.

2.045. Compensation of election commissioners.—1. In each county which has over 900,000 inhabitants, each election commissioner shall receive a salary of seven thousand, two hundred dollars per year, payable from the county revenue.

2. In each city not situated in a county, each election commissioner shall receive a

salary of six thousand dollars per year, except the chairman and the secretary of the board, who shall each receive a salary of seven thousand, five hundred dollars per year, payable from the city revenue.

3. In each county of the first class containing the major portion of a city which has over 300,000 inhabitants, each election commissioner shall receive a salary of five thousand two hundred dollars per year, payable from the county revenue.

4. In each city which has over 300,000 inhabitants on the effective date of this act and is situated in more than one county, each election commissioner shall receive a salary of five thousand two hundred dollars per year, payable one-half from the city revenue and one-half from the revenue of the county containing the major portion of the city.

5. In each county containing a portion but not the major portion of a city which has over 300,000 inhabitants, each election commissioner shall receive a salary of four thousand, eight hundred dollars per year, paid proportionally from the city revenue and the county revenue. The city shall pay such proportion as its population within the county is to the total population of the county as determined by the last preceding federal decennial census.

6. In all other counties which now or hereafter have a board of election commissioners, each election commissioner shall receive a salary of two thousand, six hundred dollars per year, payable from the county revenue.

2.050. Removal of commissioner, when.—Any commissioner may be removed by the governor for misconduct in office. Before removing a commissioner, the governor shall notify the commissioner in writing of all charges against him. Not less than ten days after so notifying a commissioner, the governor shall give the commissioner an opportunity to be publicly heard in person or by counsel in his defense. If a vacancy on any board occurs for any reason, the governor shall, with the advice and consent of the senate, appoint a new commissioner to serve the unexpired term. The new commissioner shall be a member of the same political party as the commissioner he is appointed to replace.

2.055. New board to receive records and property.—Upon the swearing in of a new board of election commissioners, the election authority or other custodian shall, upon demand, turn over to the new board all records, supplies and property relating in any way to the registration of voters and the conduct of elections within its jurisdiction.

2.060. Commissioners in office to complete term.—Nothing in this chapter shall be construed in any way as interfering with or discontinuing the term of office of any person now serving as an election commissioner until the term for which he was appointed has expired, or until he has been removed as provided in section 2.050.

2.065. Boards may make rules.—Each board of election commissioners may make all rules and regulations, not inconsistent with statutory provisions, necessary for the registration of voters and the conduct of elections.

2.070. Boards may employ staff.—Each board of election commissioners shall have the right to employ such attorneys and other employees as may be necessary to promptly and correctly perform the duties of the board. Where an electronic voting system or voting machines are used, the board shall designate competent employees to have custody of and supervise maintenance of the voting equipment. Board employees shall be subject to the same restrictions and subscribe the same oath as members of the board, except that no employee of a board shall be required to post bond unless directed to do so by the board. Employee oaths and any bonds shall be filed and preserved in the office of the board.

2.075. Employees of board to be bipartisan.—Employees of each board shall be selected in equal numbers from the two major political parties. Each board may adopt

regulations to govern the hiring, probationary period, tenure, discipline, discharge and retirement of its employees.

2.080. Number of employees authorized.—1. Each board of election commissioners in existence on the effective date of this act shall set the salaries of its employees. Except as provided in subsection 3 of this section, the number of employees of each board and the total yearly amount of all salaries paid to the board's employees shall not exceed the number of employees and the total yearly amount of all salaries authorized by statute on the day before the effective date of this act.

2. Each board of election commissioners established after the effective date of this act shall set the salaries of its employees. Except as provided in subsection 3 of this section, the number of employees of each board and the total yearly amount of all salaries paid to the board's employees shall not exceed the number of employees and the total yearly amount of all salaries authorized on the day before the effective date of this act for counties of the first class not having a charter form of government by sections 119.090 and 119.100, RSMo.

3. If any board of election commissioners wishes to increase the number of its employees or the total yearly amount of all salaries paid to its employees, the board shall deliver a notice of the fact to the presiding officer of the local legislative body or bodies responsible for providing payment of the election commissioners' salaries. The notice shall specify the number of additional employees requested and the additional yearly amount requested by the board and shall include a justification of the increase and a day, not less than 90 days after the notice is delivered, on which the increase is to take effect. Unless any legislative body responsible for approving payment of the election commissioners' salaries adopts a resolution disapproving the increase, the increase shall take effect on the day specified.

2.085. County clerk may employ election staff and fix compensation.—1. In each county which does not have a board of election commissioners, the county clerk shall have the right to employ such deputies and assistants as are necessary to promptly and correctly register voters and conduct elections. Where an electronic voting system or voting machines are used, the county clerk shall designate competent employees to have custody of and supervise maintenance of the voting equipment. Each deputy shall be subject to the same restrictions and subscribe the same oath as the county clerk, except that no employee shall be required to post bond unless directed to do so by the clerk. Employee oaths and any bonds shall be filed and preserved in the office of the county clerk.

2. Within the total amount for deputies and assistants approved by the county court, the salary of each deputy and assistant shall be set by the county clerk.

2.090. Election authority deputies—bipartisan requirement—duties, compensation.—1. Each election authority may appoint such even number of additional deputies as it deems necessary to carry out the provisions of subsection 3 of this section. One half of the deputies shall be members of one major political party, and one half of the deputies shall be members of the other major political party.

2. Each deputy appointed under the provisions of this section shall be a registered voter of the jurisdiction for which he is appointed. No such deputy shall be a candidate for any office in an election at which he serves or a relative within the third degree, by consanguinity or affinity, to any person whose name appears on the ballot in an election at which he serves.

3. At the direction of the election authority, such deputies may investigate the facts and conditions relating to the residence and voting rights of any person. Upon direction by the election authority, such deputies may attend and be present at any polling place, witness and report to the election authority any failure of duty, fraud or irregularity, instruct election judges, supervise voting procedures and perform any other lawful function prescribed by the election authority.

4. The deputies shall be paid an amount determined by the election authority, subject to approval of the legislative body or bodies responsible for providing the salaries of other election authority employees and payable from the same source as the salary of the election authority.

5. Deputies shall serve for such time as the election authority determines and may be dismissed summarily by the election authority. At no time, however, shall more deputies from one major political party serve than deputies from the other major political party.

2.095. Who may administer oaths.—Each election authority and its designated employees may administer oaths and perform all other duties necessary to register voters and conduct elections.

2.100. Offices may be maintained, to be open, when.—Each election authority shall maintain an office or offices sufficient for its purposes. The offices of each election authority shall be kept open during regular business hours on all election days and on all other weekdays, except legal holidays. The offices of each election authority shall also be kept open for four hours on the Saturday preceding each election and may be kept open at other times as determined by the election authority.

2.105. Peace officers to assist election authority or election officials, when requested.—It shall be the duty of the police, the sheriff and all other peace officer to give any assistance or protection required by the election authority, any employee of the election authority, any election judge, any registration officer or any canvasser in the performance of his duties and to comply with all lawful requests and directions of the election authority relating to such assistance.

2.505. State to pay all costs of election, when.—1. When any question or candidate is submitted to a vote of all voters in the state and no other question or candidate is submitted at the same election, all costs of the election shall be paid from the general revenue of the state.

2. After an audit by the commissioner of administration, the state treasurer shall pay the amounts claimed by and due the respective counties and cities out of moneys appropriated by the general assembly for the purpose.

2.510. Political subdivision to pay all costs of election, when.—When any question or candidate is submitted to a vote by any political subdivision or special district and no other question or candidate is submitted at the same election, all costs of the election shall be paid from the general revenue of the political subdivision or special district submitting a question or candidate at the election.

2.515. Election costs to be shared proportionally, when.—1. Except as provided in sections 2.520, 2.525, 2.530 and 2.535, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of all political subdivisions and special districts submitting a question or candidate at the election.

2. Proportional election costs paid under the provisions of subsection 1 of this section and section 2.520 shall be assessed by charging each political subdivision and special district the same percentage of the total cost of the election as the number of registered voters of the political subdivision or special district on the day of the election is to the total number of registered voters on the day of the election, derived by adding together the number of registered voters in each political subdivision and special district submitting a question or candidate at the election.

2.520. Ballot costs only paid, when.—Except as provided in sections 2.525 and 2.535, when any political subdivision or special district holds a regularly scheduled election and another political subdivision or special district submits a special question or candidate at the election, all costs of the election, except ballot printing costs, shall be

paid from the general revenue of the political subdivision or special district holding the regularly scheduled election. If a special candidate or question is printed on the same ballot as the candidates and questions of the political subdivision or special district holding a regularly scheduled election, ballot printing costs shall be paid proportionally from the general revenue of each political subdivision and special district submitting a candidate or question on the ballot. If a special candidate or question and the candidates and questions of the political subdivision or special district holding a regularly scheduled election are printed on different ballots, each political subdivision and special district submitting a candidate or question on a ballot shall pay the cost of printing its own ballots.

2.525. Election judges paid by whom (Jackson County).—In any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, the salaries of election judges at all county and state primary, general and special elections shall be paid from the general revenue of the county, unless the city submits a question or candidate at the election, in which case the salaries of election judges shall be paid one-half from the general revenue of the city and one-half from the general revenue of the county.

2.530. Election costs, how paid (Kansas City).—1. In any city which has over three hundred thousand inhabitants and is located in more than one county, all general expenses related to the conduct of elections and the registration of voters in the part of the city situated in the county containing the major portion of the city shall be paid one-half from the general revenue of the city and one-half from the general revenue of the county in which the major portion of the city is located.

2. Except as provided in section 2.520, in any city which has over three hundred thousand inhabitants and is located in more than one county, the salaries of election judges at all city primary, general and special elections shall be paid from the general revenue of the city, even if a candidate or question other than a city candidate or question is submitted at the same election.

2.535. Election costs, how paid (Clay, Platte and Jackson Counties).—1. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, all general expenses related to the conduct of elections and the registration of voters shall be paid proportionally from the general revenue of the city and the general revenue of the county. The city shall pay such proportion as its population within the county is to the total population of the county as determined by the last preceding federal decennial census.

2. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, the salaries of election judges at all county and state primary, general and special elections shall be paid from the general revenue of the county, unless the city submits a question or candidate at the election, in which case the salaries of election judges shall be paid proportionally from the general revenue of the city and the general revenue of the county as provided in subsection 1 of this section.

2.540. County's election expenses to be paid from county general revenue, exception.—Except as otherwise provided in this chapter, all costs and expenses relating to the conduct of elections and the registration of voters in each county shall be paid from the general revenue of the county.

2.545. Subdivisions without an election authority to pay to authority conducting election, procedure for.—1. Special districts, cities without a board of election commissioners, townships in township organization counties and villages shall pay the election costs required by this chapter to each election authority conducting its elections.

2. Not later than the fifth Tuesday prior to any election to be conducted for a special district or political subdivision other than the county by the election authority of

a county without a board of election commissioners, the election authority shall estimate the cost of conducting the election for each political subdivision and special district submitting a candidate or question at the election. Not later than the third Tuesday prior to the election, each special district and political subdivision submitting a candidate or question at the election, except the county, shall deposit with the election authority an amount equal to the estimated cost of conducting the election for the political subdivision or special district. All payments of election costs received by an election authority under the provisions of this subsection shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting the election. If the amount paid to an election authority by any political subdivision or special district exceeds the cost of conducting the election for the political subdivision or special district, the election authority shall promptly refund to the political subdivision or special district the difference between the amount deposited with it and the cost of conducting the election. If the amount deposited with an election authority by any political subdivision or special district is less than the cost of conducting the election for the political subdivision or special district, the political subdivision or special district shall, not later than the fourth Tuesday after the election, pay to the election authority the difference between the amount deposited and the cost of conducting the election.

3. Except as provided in section 2.505, the payment of election costs to an election authority in each jurisdiction with a board of election commissioners shall be made in the manner determined by the city or county whose election authority is authorized to receive payment. All payments of election costs received by an election authority under the provisions of this subsection shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting elections.

4. Any political subdivision or special district which willfully fails to make payment of an election cost required by this chapter by the time provided in this chapter shall pay a penalty of fifty dollars for each day after the time provided in this chapter proper payment is not made. Any such penalty shall be payable to the election authority authorized to receive payment of the election cost and shall be deposited in the general revenue fund of such election authority's city or county.

3.001. Election judges, how appointed.—All election judges in each jurisdiction shall be appointed by the election authority.

3.005. Number of judges to be appointed, supervisory judges, duties of.—

1. Each election authority shall appoint at least four election judges for each polling place within its jurisdiction. If the expected voter turnout at a polling place indicates that four judges may be insufficient, the election authority may appoint an even number of additional judges for the polling place. One-half of the judges at each polling place shall be members of one major political party, and one-half of the judges at each polling place shall be members of the other major political party.

2. The election authority shall designate two of the judges appointed for each polling place, one from each major political party, as supervisory judges. Supervisory judges shall be responsible for the return of election supplies from the polling place to the election authority and shall have any additional duties prescribed by the election authority.

3.010. Additional judges authorized, even number and bipartisan required.—Any election authority may appoint an even number of additional judges for use as needed on election day. One-half of such judges shall be members of one major political party, and one-half of such judges shall be members of the other major political party.

3.015. Qualifications of judges.—No person shall be appointed to serve as an election judge who is not a registered voter in the jurisdiction for which he is appointed.

Each election judge shall be a person of good repute and character who can speak, read and write the English language. No election judge shall hold any other public office during his term except as provided in this section. No person shall serve as an election judge at any polling place in which his name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. In any county having a population of less than 250,000 inhabitants, any member of the county committee of a political party who is not a candidate for any other office and who is not opposed for re-election as a member of the committee by any declared candidate in such election, and any relative of such a member, shall not be disqualified from serving as an election judge.

3.020. Selection of judges in counties not having a board of election commissioners.—In each county which does not have a board of election commissioners, the election judges shall be selected from lists provided by the county committee of each major political party. Not later than December tenth in each year in which county committeemen are elected, the county committee of each major political party shall submit to the county clerk a list of persons qualified to serve as election judges in double the number required to hold a general election in the county. Not later than February tenth in each year immediately following the year in which county committeemen are elected, each county clerk shall select and appoint the number of judges required to hold a general election in his county, taking one-half of the judges from each of the lists. If a county committee fails to present the prescribed number of names of qualified persons by the time prescribed, the county clerk may select and appoint the number of judges provided by law for the county committee's party. If the county clerk deems any person on a list to be unqualified, he may request the county committee which submitted the list to furnish another name. The election judges shall be appointed for a term ending on February tenth in the year immediately following the year in which county committeemen are next elected and until their successors are appointed and qualified.

3.025. Terms of election judges appointed by board.—Each board of election commissioners shall have authority to appoint election judges for individual elections, or for a term coincident with the term of the board and until the judges' successors are appointed and qualified. The board may ask the county committee of each major political party to submit a list of persons qualified to serve as election judges and may select and appoint judges from the lists.

3.030. Oath of election judge.—On commissioning or before entering upon his duties, each election judge shall take and subscribe the following oath:

I solemnly swear that I will impartially discharge the duties of judge according to law, to the best of my ability and that I will not disclose how any voter has voted, unless I am required to do so as a witness in a proper judicial proceeding. I also affirm that I will not allow any person to vote who is not entitled to vote and that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before me
this day of 19

.....
Judge of Election

.....
Election Authority (Judge of Election)
witnessing oath

3.035. Vacancy, how filled.—If an election judge dies, resigns, becomes incapacitated, becomes disqualified, is removed pursuant to section 3.045, or is

otherwise unable or unwilling to serve during his term, the election authority shall appoint another qualified person from the same political party as the unable or unwilling judge to serve as a temporary judge or for the unexpired term.

3.040. Judge failing to appear, temporary judge to be appointed, how.—If any judge fails to act or to appear by the time fixed by law for the opening of the polls, the election authority shall be notified immediately by an election judge. The election authority or the election judges present in the polling place shall appoint another judge from the same political party as the judge failing to act or to appear. If the election judges elect a qualified temporary judge, he shall have full authority to act as judge for the election, except that he may be removed at any time by the election authority and replaced with another qualified judge from the same political party as the removed judge.

3.043. Judge not to be absent from polls more than one hour—not more than one judge from the same party to be absent at the same time.—No election judge shall be absent from the polls for more than one hour during the hours the polls are open on election day. No election judge shall be absent from the polls before 9:00 a.m. or after 5:00 p.m. on election day. No more than one judge from the same political party shall be absent from the polls at the same time on election day.

3.045. Authority to supervise judges.—Each election authority shall have authority to direct judges in their duties and to compel compliance with the law. Each election authority may substitute judges at his discretion on election day. Each election authority shall also have authority at any time to remove any judge for good cause and to replace him with a qualified person from the same political party as the removed judge.

3.050. Judges' compensation, how set.—For service in conducting elections and house-to-house canvasses, each election judge shall be paid a specific dollar amount which shall be set by the legislative authority of each county and by any city not within a county.

3.055. Training courses authorized, compensation while in training authorized.—Any election authority may establish training courses for election judges and may compensate them for attendance at the rate set for election service subject to the approval of the governing body of a county not having a board of election commissioners, or the political subdivision or special district.

4.001. Challengers, how selected—challenges, when made.—1. The chairman of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present during the hours of voting, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. The designating chairman may substitute challengers at his discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.

3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4.005. Watchers, how selected, duties of.—1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted.

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not

satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4.015. Oath of challengers and watchers.—Before entering upon his duties, each challenger and watcher shall take the following oath:

I do solemnly swear that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before me

this day of, 19

.....
Challenger or Watcher

.....
Judge of Election

4.020. Improper conduct of challenger or watcher, how handled.—If any watcher or challenger interferes with the orderly process of voting, or is guilty of misconduct or any law violation, the election judges shall ask the watcher or challenger leave the polling place or cease the interference. If the interference continues, the election judges shall notify the election authority, which shall take such action as it deems necessary. It shall be the duty of the police, if requested by the election authority or judges of election, to exclude any watcher or challenger from the polling place or the place where votes are being counted. If any challenger is excluded, another may be substituted by the designating committee chairman.

5.001. Precincts, how established.—The basic election district shall be the precinct. In each jurisdiction, precinct boundaries shall be established by the election authority. Every effort shall be made by the election authority to establish precinct lines which do not cross political subdivision or special district boundaries. Upon mail notification of each voter affected by the change, or publication of the new boundaries in a newspaper of general circulation in its jurisdiction, the election authority may change precinct boundaries from time to time as convenience may require.

5.010. Polling places, how designated—notice to voters—voter not required to go to more than one polling place.—1. Except as provided in subsection 2 of this section, for each election within its jurisdiction, the election authority shall designate a polling place for each precinct within which any voter is entitled to vote at the election.

2. For any election, the election authority shall have the right to consolidate two or more adjoining precincts for voting at a single polling place and to designate one set of judges to conduct the election for such precincts. Voters shall be notified of the place for voting in the manner provided in section 6.020 or 6.025.

3. No person shall be required to go to more than one polling place to vote on the same day.

5.015. Tax-supported buildings must be made available as polling places—may rent private polling place, when.—1. The election authority may designate tax-supported public buildings to be used as polling places for any election, and no official in charge or control of any such public building shall refuse to permit the use of the building for election purposes.

2. If an election authority determines there is no public building convenient for a polling place in any voting district, it may contract for the rental of a suitable polling place in the district.

5.020. Polling place to be marked.—Each polling place shall be plainly marked with a sign posted in a place and manner sufficient to notify voters of the location of the polling place.

6.001. General election, when held—primary election, when held.—1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the first Tuesday after the first Monday in August of even-numbered years.

3. The municipal election day shall be the first Tuesday in April each year.

6.005. Public elections to be on Tuesdays—exceptions.—All public elections shall be held on Tuesday. Except bond elections necessitated by fire, vandalism or natural disaster, except elections for which ownership of real property is required by law for voting, except special elections to fill vacancies and to decide tie votes or election contests, and except as otherwise expressly provided by city or county charter, all public elections shall be held on the general election day, the primary election day, the municipal election day, the first Tuesday after the first Monday in February, June, August, October or November or with an election on another day expressly provided by city or county charter. After this act becomes effective, no city or county shall adopt a charter or charter amendment which calls an election on any day other than the February, April, June, August or November election days specified in this section.

6.010. Notice of election, when given—exceptions.—Not later than 5:00 p.m. on the sixth Tuesday prior to any election, except a special election to decide an election contest or tie vote, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 6.015. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 6.015, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the third Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for conducting the election.

6.015. Special elections, notice of, when, how given.—1. Upon receipt of notice of a special election to fill a vacancy submitted pursuant to section 6.010, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsection 1 of this section and in sections 12.365, 13.055 and 13.430, the election authority shall cause legal notice of each election held in its jurisdiction to be published once each week for two consecutive weeks, the first publication occurring at least fourteen days prior to the election and the last publication occurring within one week prior to election. The notice shall be published in two newspapers of different political faith and general circulation in the election authority's jurisdiction. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper for two consecutive weeks, the first

publication occurring at least fourteen days prior to the election and the last publication occurring within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published once each week for two consecutive weeks in any two newspapers in the jurisdiction, the first publication occurring at least fourteen days prior to the election and the last publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot.

6.020. Notice of election by mail authorized, contents of.—Not later than the fifth day prior to any election, the election authority may mail to each registered voter in the area of its jurisdiction in which the election is to be held, a notice of election which shall include the date and time of the election, the location of the voter's polling place and the name of the agency calling the election. The notice may also include a sample ballot. The election authority may provide any additional notice of the election it deems desirable.

6.025. Notice by publication, when, contents of.—Unless notice has been given as provided in section 6.020, the election authority shall cause legal notice of each election to be held in its jurisdiction, except special elections to decide election contests, to be published in a newspaper of general circulation in its jurisdiction. The notice shall appear in the latest issue published before election day and shall include the date and time of the election, the name of the officer or agency calling the election, and the location of the polling places. The notice may also include a sample ballot. The election authority may provide any additional notice of the election it deems desirable.

7.010. Qualifications of voters.—1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and eighteen years of age or older shall be entitled to register and vote.

2. No person who is adjudged incompetent shall be entitled to register or vote. No person convicted of a felony, or of a misdemeanor connected with the right of suffrage shall be entitled to register or vote except as provided in subsection 3 of this section.

3. Any person who is otherwise qualified to register and vote but who has been convicted of a felony or of a misdemeanor connected with the right of suffrage shall be entitled to register and vote if he has been:

- (1) Granted a pardon by the governor or other proper authority;
- (2) Released pursuant to the provisions of section 216.355, RSMo 1969;
- (3) Finally discharged from probation or parole pursuant to the provisions of section 549.111 RSMo 1969; or
- (4) Similarly pardoned, released or discharged pursuant to the rules or statutes of the jurisdiction in which he was convicted.

7.015. Persons entitled to register.—Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election shall be entitled to register in the jurisdiction within which he resides. In order to vote in any election for which registration is required, a person must be registered no later than 5:00 p.m. on the fourth Wednesday prior to the election.

7.020. Registered voters may vote in all elections—exception.—1. Except as provided in subsection 2 of this section, any citizen who is entitled to register and vote shall be entitled to register for and vote in all statewide public elections and all public elections held for districts and political subdivisions within which he resides.

2. Any person who and only persons who fulfill the ownership requirements shall be entitled to vote in elections for which ownership of real property is required by law for voting.

7.025. Unregistered voter may not vote—exception.—Except as provided in

subsection 2 of section 7.020 and section 9.005, no person shall be permitted to vote in any election unless he is duly registered in accordance with this chapter.

7.030. Registration to be supervised by election authority.—Each election authority shall supervise the registration of voters within its jurisdiction in accordance with this chapter and shall direct the activities of all deputy registration officials.

7.035. Deputy registration officials, qualifications of—public employees eligible.—1. Each election authority may appoint persons regularly employed in the office of the clerk of any city, town or village, any department of revenue fee office, or any school, library or other tax supported public agency in its jurisdiction as deputy registration officials.

2. Each election authority may appoint any number of additional persons to serve as deputy registration officials. Each such deputy shall be a registered voter in the jurisdiction of the appointing election authority.

7.040. Registration duties of election authority.—Each election authority shall have the following duties with respect to registration:

1. To conduct registration at its office or offices throughout the entire year on all usual business days and during its regular office hours in the manner required by this chapter;

2. To instruct and direct each deputy registration official in the performance of his duties and to supply each deputy with the proper registration forms and other necessary supplies; and

3. To designate the times, dates and places or areas for additional voter registration by any deputy appointed pursuant to subsection 2 of section 7.035, and to publicize the times, dates and places or areas of such registration in any manner reasonably calculated to inform the public.

7.045. Deputy registration officials, duties of.—Each deputy registration official shall have the following duties:

1. To comply with all reasonable instruction and direction by the election authority which is not inconsistent with this chapter, and

2. To conduct registration at his regular place of business throughout the entire year on all usual business days and at the usual office hours in the manner required by this chapter, unless he has been appointed pursuant to subsection 2 of section 7.035, in which case he shall conduct registration during the dates and times and at the places or areas designated by the election authority in the manner required by this chapter.

7.050. Election authorities registration jurisdiction.—1. Within its jurisdiction, each election authority may register any person who is qualified to register in the jurisdiction.

2. Upon agreement with another election authority, any election authority may register any person qualified to register in its jurisdiction in the jurisdiction of the other election authority.

7.055. Registration complete, when.—Each qualified applicant shall be deemed registered as of the time his completed, signed and sworn registration cards are witnessed by the election authority or his deputy registration official.

7.060. Registration, where accomplished—exception.—Except as provided in section 7.075, each person who offers to register shall appear in person at a place of registry during a time provided by this chapter. Each person shall answer truthfully all questions as to identity, residence and qualifications required by this chapter.

7.065. Form for registration by mail.—1. The election authority shall provide two or more cards of different colors for the registration of each voter. Each card shall be in substantially the following form:

APPLICATION FOR REGISTRATION BY MAIL

.....		Township (or Ward)	
.....		
Name		Precinct	
.....		
Home Address		Social security Number (Optional)	
.....		
City	Zip	City	Zip
.....		
Date of Birth		Place of Birth	
.....		
Telephone number (Optional)		Mother's Maiden Name (Optional)	
.....		
Occupation (Optional)		Last Place Previously Registered	
.....		
Remarks:		Under What Name	
.....		
.....		When	

I am a citizen of the United States and a resident of the state of Missouri. I am not declared incompetent by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

.....
Signature of Voter

.....
Date

.....
Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant shall take the oath inscribed on the registration cards and shall sign his full name to each of the cards, witnessed by the signature of the election authority or his deputy registration official.

7.070. Registration information may be computerized—voter lists may be sold—candidates may receive lists free.—The election authority may place all information on any registration cards in computerized form. No election authority shall furnish to any member of the public a tape or printout showing any registration information, except the election authority may furnish tapes and printouts showing only voters' names, addresses, townships or wards, and precincts for a reasonable fee determined by the election authority. The election authority that has registration records in computerized form shall have printed in even numbered years a copy of the voter registration list. Such tape or printout may be furnished to all candidates upon request without charge.

7.075. Registration by mail, when allowed—form of application—procedure for registration.—1. Any person who is qualified to register in Missouri, but who is unable to present himself to a registration official in his jurisdiction due to illness, disability, religious practice, absence from the jurisdiction, employment or incarceration, shall, upon application, be entitled to register by mail. Upon request, application forms shall be furnished by the election authority to any person or group. The application for registration by mail shall be in substantially the following form:

APPLICATION FOR REGISTRATION BY MAIL

I,, am prevented from presenting myself to a registration official in county (St. Louis, Kansas City) due to the reason listed below (check one):

- | | |
|---|--|
| <input type="checkbox"/> Illness | <input type="checkbox"/> Absence from County or City |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Employment |
| <input type="checkbox"/> Religious Practice | <input type="checkbox"/> Incarceration |

PLEASE PRINT

..... Name	..... Township (or Ward)
..... Home Address	..... Precinct
..... City	
..... Date of Birth	..... Social Security Number (Optional)
..... Telephone Number (Optional)	..... Mailing Address (if different)
..... Occupation (Optional)	..... City Zip
	..... Place of Birth
	..... Mother's Maiden Name (Optional)
	..... Last Place Previously Registered
	..... Under What Name
	..... When
..... Signature of Applicant	..... Date

2. Upon receipt of a completed and signed application, the election authority shall, if satisfied the applicant is entitled to register by mail, transfer all data necessary

for the registration records from the application to the registration cards. Within five working days after receiving such application, the election authority shall mail the registration cards to the applicant by nonforwardable first class mail. The applicant shall take the oath inscribed on the registration cards and sign his full name to each of the cards, witnessed by the signature of a notary public or other officer authorized by law to administer oaths. The registration cards shall be mailed back to the election authority, and the applicant shall be deemed registered as of the time his signed, sworn and witnessed registration cards are received in the office of the election authority. Within a reasonable time after receiving such cards, the election authority shall notify the voter by mail that he has been registered.

3. If, upon receiving an application for registration by mail, the election authority determines the applicant is not entitled to register by mail, it shall, within three working days after receiving the application, so notify the applicant by mail and state the reason it has determined he is not qualified. The applicant may secure review of the decision in the manner prescribed in section 7.360.

4. All applications for registration by mail shall be preserved in the office of the election authority.

5. In lieu of mailing registration cards to any qualified applicant present within its jurisdiction, the election authority may go in person or appoint a deputy registration official to take the registration cards to the applicant and witness his signature. Such an applicant shall be deemed registered as of the time his registration cards are witnessed by the election authority or his deputy registration official.

7.080. Registration of persons unable to write.—1. If any person applying to register in person pursuant to this chapter is unable to write, the election official shall fill in the registration cards, and the applicant shall sign by mark, witnessed by the election official. The election official shall note the applicant's height in feet and inches, weight, color of eyes and other distinguishing features under the title "Remarks" on the registration cards.

2. If any person applying to register by mail pursuant to this chapter is unable to write, a notary public or other officer authorized by law to administer oaths shall fill in the application, and the applicant shall sign by mark, witnessed by the signature of the notary or other officer. The applicant may also sign his registration cards by mark, witnessed by the signature of a notary public or other officer authorized by law to administer oaths, and shall be required to provide to the election authority a description of his height in feet and inches, weight, color of eyes and other distinguishing features, which shall be noted by an election official under the title "Remarks" on the registration cards.

7.085. Precinct and headquarters registers required, how handled.—

1. Each election authority shall arrange one set of registration cards into permanent binders for each precinct, alphabetically or by address as it determines. These binders shall be known as the "precinct registers". Another set of cards shall be arranged in a central file in such manner as the election authority determines, and shall be known as the "headquarters register". The election authority shall be the custodian of the registration records, and no cards or records shall be removed or handled except at its direction and under its supervision. The precinct registers shall be kept by the election authority in a secure place, except when given to election judges for use at an election. The headquarters register shall be kept by the election authority and never permitted to leave its custody. All registration records shall be open to inspection by the public at all reasonable times.

2. If any precinct register is lost, the election authority shall make a true copy from the headquarters register before the next election.

7.090. Transfer of registration, how, when—procedure.—1. Any registered voter who changes his place of residence within the state may transfer his registration

by sending the election authority with which he is registered a signed application for transfer, or by appearing in person at the office of the election authority, or any other authorized place of registration within the jurisdiction and making application for transfer. Each application for transfer shall contain the following:

- (1) Name in full;
- (2) Address at which registered;
- (3) New address;
- (4) City (if any) and county in which new address is located;
- (5) Phone number (if any) at new address;
- (6) Date of birth;
- (7) Date application is made;
- (8) Signature of voter;
- (9) Signature and title of election official receiving application.

2. Any application for transfer received by an election authority or its deputy registration official outside the office of the election authority shall, within three working days of receipt, be transmitted to the office of the election authority. Upon receipt of an application for transfer at his office, the election authority shall compare the signature on the application with the signature on the voter's registration card. If the voter's new address is within the same jurisdiction as the old address, and if the signatures are sufficiently alike to identify the applicant as the same person who registered to vote, the election authority shall make the necessary changes in the registration records without delay. Upon making such transfer, the election authority shall, within a reasonable time after receiving the application, notify the voter his registration has been transferred. If the signatures are not sufficiently alike to identify the applicant as the same person who registered, the election authority shall, within three working days after receiving the application, notify the voter that he will have to appear in person at the office of the election authority and identify himself by answering questions such as are provided for the identification of a voter at the polls. If the signatures are sufficiently alike and if the voter's new address is not within the same jurisdiction as the old address, the election authority shall, within three working days after receiving the application for transfer, forward a copy of the application and the voter's registration cards to the election authority having jurisdiction for the new address.

3. Upon receipt of an application copy and registration cards from another election authority, the election authority with jurisdiction for the voter's new address, if satisfied the applicant is entitled to transfer, shall enter the voter on its registration records and, within a reasonable time after receiving the application and cards, notify the voter his registration has been transferred. If the election authority is not satisfied the applicant is entitled to transfer, it shall, within three working days after receiving the application and cards, notify the voter it will be necessary for him to register anew. The election authority may transfer the necessary information to a new set of registration cards and may send the new cards to the voter for signature or may require the voter to sign the new cards at the polls prior to voting from his new address.

4. Each qualified applicant shall be deemed transferred as of the time his completed and signed application for transfer is received in the office of the election authority having jurisdiction for the new address.

5. Any registered voter who changes his place of residence within a jurisdiction at or before 5:00 p.m. on the fourth Wednesday prior to an election and does not transfer his registration at or before 5:00 p.m. on the fourth Wednesday prior to the election shall not be entitled to vote in the election.

6. Any registered voter who changes his place of residence within a jurisdiction after 5:00 p.m. on the fourth Wednesday prior to an election may vote at the one election from the polling place of his previous residence. The voter may complete an application for transfer at the polling place of his previous address on election day, and the transfer shall be processed in the manner provided in subsection 2 of this section.

7. Any registered voter who changes his place of residence within the state and chooses to reregister rather than to transfer his registration shall be entitled to do so.

7.105. Change of name of registered voter, procedure for.—If a registered voter lawfully changes his name, the election authority, shall, upon notification, enter the change on the voter's registration cards. After filling in the voter's new name and transferring other necessary information from his previous registration cards to a new set of cards, the election authority may send new cards to the voter for signature or may require the voter to sign new cards at the polls. If the election authority does require the voter to sign new cards, the new cards shall become the voter's official registration cards. If a registered voter lawfully changes his name after 5:00 p.m. on the fourth Wednesday prior to an election, the voter may vote at the one election under his previous name.

7.110. Register delivered to polls, when.—Before the time fixed by law for the opening of the polls on election day, the election authority shall deliver the proper precinct registers to each polling place and shall make a record of the delivery.

7.115. Error in precinct record, corrected when.—If the election authority learns on election day that a registration card has been placed in the wrong precinct register, the election authority shall immediately have the error corrected.

7.120. Applications and affidavits, where stored.—All applications and affidavits required by this chapter shall be preserved in the office of the election authority.

7.125. Class one election offense defined.—Any person who knowingly or willfully gives any false information for the purpose of establishing his eligibility to register to vote or who conspires with another person for the purpose of encouraging his false registration or illegal vote, or who pays or offers to pay, accepts or offers to accept payment for registering to vote or for voting, or who otherwise willfully and fraudulently furnishes false information to a registration official for the purpose of causing a false or fictitious registration, or who registers to vote with the intention of voting more than once in the same election shall be guilty of a class one election offense.

7.130. Registrations in effect January 1, 1978, to remain valid, exception.—Nothing in this chapter shall be construed in any way as interfering with or discontinuing any person's valid registration which is in effect on the effective date of this act until such time as the person is required to transfer his registration or to re-register under the provisions of the act.

7.300. Registration records to be canvassed, when.—1. In each jurisdiction with a board of election commissioners, the board of election commissioners shall have the registration records of all precincts in its jurisdiction canvassed after May 31st and before October 1st in each even-numbered year and may have all or any part of the records canvassed at any other time it deems advisable.

2. In each jurisdiction without a board of election commissioners, the county clerk shall have the registration records of all precincts in its jurisdiction canvassed after May 31st and before October 1st in each year a state auditor is regularly elected and may have all or any part of the records canvassed at any other time it deems advisable.

7.305. Canvass, how conducted.—In its discretion, the election authority may order all or any part of a canvass to be made house-to-house, through the United States Postal Service, or by both methods.

7.310. Verification list defined.—As used in this chapter, the term "verification list" shall mean a list prepared under the supervision of the election authority which contains the name and address of each registered voter within a precinct.

7.315. Canvassers, how selected—voter not at address, procedure followed—police protection, when.—1. Immediately before a house-to-house canvass, the

election authority shall prepare two verification lists for each precinct to be canvassed.

2. For each precinct to be canvassed, the election authority shall appoint two registered voters from its jurisdiction, one from each major political party, to serve as canvassers of the precinct. The two canvassers, each having one of the verification lists, shall together call at each dwelling place in the precinct which is shown on the verification lists.

3. If the canvassers find that any registered voter does not live at the address shown on the verification lists, they shall immediately leave a written notice at the address. The notice shall instruct the voter to appear before the election authority or its designated representative on the day or days designated to show cause why his name should not be removed from the registration records, or shall instruct the voter to sign and return the notice by a certain date, stating on the notice the reason his name should not be removed from the registration records.

4. Whenever it deems necessary, the election authority may request that police protection be furnished canvassers while they perform their official duties. Such protection shall be promptly furnished by the appropriate authorities.

7.320. Notice to show cause, how sent—persons found not to be residing at their registered addresses.—1. Immediately after calling at all dwelling places shown on the verification lists, the house-to-house canvassers shall report with the verification lists to the office of the election authority. Using postage and forms provided by the election authority, the canvassers shall as soon as possible prepare and mail a nonforwardable notice to each person who was not found to reside at the address shown on the verification lists. The notice shall instruct the voter to appear before the election authority on the day or days designated to show cause why his name should not be removed from the registration records or to sign and return the notice by a certain date, stating on the notice the reason his name should not be removed from the registration records.

2. The canvassers shall make a list of all names and addresses with which notice was personally left during the canvass and attach the list to an affidavit, affirming that such notices were left by the canvassers at all addresses indicated.

7.325. Further investigation, when.—Upon receipt of information from a house-to-house canvass or a canvass through the Postal Service indicating a voter may not reside at the address at which he is registered, the election authority may initiate further investigation of the voter's residence qualifications.

7.330. Investigative authorization of election authority.—The election authority may investigate the residence or other qualifications of any voter at any time it deems necessary. The election authority shall investigate material affecting any voter's qualifications brought to its attention from any source, and such investigations shall be conducted in the manner it directs. The election authority may defer investigation of material brought to its attention within ten days of an election until after the election if it determines time does not permit an earlier investigation.

7.335. Name stricken from register, when—reinstatement, when.—1. If, due to information received from a canvass or investigation, the election authority believes that any person does not reside at the address from which he is registered or is otherwise unqualified to vote, the election authority shall have his name removed from the registration records.

2. If the election authority is satisfied, either by a voter's personal appearance or by his signed, returned notice, that he does reside at the address from which he is registered and is otherwise qualified to vote, the voter's name shall not be removed from the registration records.

3. If the election authority believes that the name of any voter was improperly removed from the registration records, it may, by telephone or in writing on election day, authorize election judges to permit him to vote. The voter may be required to

execute an affidavit of qualification on a form prescribed by the election authority before being permitted to vote.

7.340. Death and felony conviction records, when obtained.—1. At least once each month, the election authority shall obtain from the state or local registrar of vital statistics, a list of the name and address, if known, of each person over eighteen years of age in its jurisdiction whose death has been reported to him.

2. At least once each month, the election authority shall obtain from the clerk of the circuit court the name and address, if known, of each person over eighteen years of age in its jurisdiction who has been convicted of a felony or of a misdemeanor connected with the right of suffrage.

3. At least once each month, the election authority shall obtain from the clerk of the probate court the name and address, if known, of each person over eighteen years of age in its jurisdiction who has been adjudicated incompetent and has not been restored to competency.

4. All state and local registrars and all clerks of probate and circuit courts shall provide the information specified in this section, without charge, when requested by an election authority.

7.345. Governor to furnish list of persons pardoned.—Not later than October tenth each year, the governor of this state shall provide to each election authority in the state, without charge, the name and address, if known, of each person pardoned by him during the preceding calendar year.

7.350. Deceased and incompetents removed from register, when—persons convicted and pardoned, how handled.—Each election authority shall remove from its registration records the names of voters reported dead or adjudicated incompetent and shall determine the voting qualifications of those reported convicted or pardoned.

7.355. Voting records to be inspected annually.—At least once each year, each election authority shall have the voting records inspected and may investigate the qualifications of any person who has not voted or transferred his registration within the four preceding calendar years.

7.360. Appeal of removal by voter, procedure.—Whenever a voter's name has been removed from the registration records by an election authority, the voter may appeal the removal to the circuit court. No formal pleading shall be required, and it shall be sufficient for the voter to present to the court an application verified by affidavit setting forth that his name has been removed from the registration records, the date of such removal, and any other information showing his qualification to vote. The application shall first be presented to the election authority, which shall either restore the voter's name to the registration records or furnish a statement showing the reason the voter's name was removed from the records. The court shall hear and dispose of such application forthwith. Evidence may be introduced for and against the application. If the court sustains the application, the court shall notify the election authority of its action, and the election authority shall restore the applicant's name to the registration records and note that it was restored by order of the court. No person whose name is restored to the registration records by order of the court shall be protected by such order if he is challenged or prosecuted for false registration or false voting. If a voter's name is restored to the registration records by the election authority or by order of the court on election day, the voter shall be permitted to vote in the office of the election authority.

8.005. Automated equipment to be approved by Secretary of State—standards to be met.—1. Before use by election authorities in this state, the secretary of state shall approve the marking devices and the automatic tabulating equipment used in electronic voting systems and may promulgate rules and regulations to implement the intent of sections 8.001 to 8.040.

2. No electronic voting system shall be approved unless it

- (1) permits voting in absolute secrecy;
- (2) permits each voter to vote for as many candidates for each office as he is lawfully entitled to vote for;
- (3) permits each voter to vote for or against as many questions as he is lawfully entitled to vote on, and no more;
- (4) provides facilities for each voter to cast as many write-in votes for each office as he is lawfully entitled to cast;
- (5) permits each voter at a general election to vote for all candidates of one party by one punch or mark or to vote a split ticket, as he desires;
- (6) permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;
- (7) permits each voter at a presidential election to vote by use of a single punch or mark for the candidates of one party or group of petitioners for president, vice-president and their presidential electors;
- (8) accurately counts all proper votes cast for each candidate and for and against each question;
- (9) is set to reject all votes, except write-in votes, for any office and on any question when the number of voters exceeds the number a voter is lawfully entitled to cast;
- (10) permits each voter, while voting, to clearly see the ballot label.

8.010. Consistent provisions of general law to apply to electronic voting systems.—All provisions of law not inconsistent with sections 8.001 to 8.040 shall apply with full force and effect to elections in each jurisdiction using an electronic voting system.

8.015. Electronic voting system may be used, when.—1. An electronic voting system may be used at any primary election if it has been approved by the secretary of state, complies with the provisions of section 8.005, and if the automatic tabulating equipment will reject each ballot on which a voter has voted for candidates of more than one party.

2. An electronic voting system may be used at any other election if it has been approved by the secretary of state and complies with the provisions of section 8.005.

8.025. Electronic ballots, how arranged.—1. In polling places using electronic voting systems, the ballot information, whether placed on the ballot card or on the marking device may be arranged in vertical or horizontal rows, or on a number of separate pages. In any event, the name of each candidate, his party, the office for which he is a candidate and each question shall be indicated clearly on the ballot card or marking device.

2. Nothing in this chapter shall be construed as prohibiting the use of a separate paper ballot for questions in any polling place using an electronic voting system.

3. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card or envelope shall be provided to permit each voter to write in the names of persons whose names do not appear on the ballot.

8.030. Testing of automatic tabulating equipment, when done, procedure.—Within five days prior to an election at which an electronic voting system is to be used, the election authority shall have the automatic tabulating equipment tested to ascertain that the equipment is in compliance with the law and that it will correctly count the votes cast for all offices and on all questions. At least forty-eight hours prior to the test, notice of the time and place of the test shall be mailed to each independent and new party candidate and the chairman of the county committee of each established political party named on the ballot. The test shall be observed by at least two persons designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public. The test shall be conducted by processing a preaudited group of ballots. If any error is

detected, the cause shall be ascertained and corrected, and an errorless count shall be made before the tabulating equipment is approved.

8.035. Preparation of marking devices required.—In jurisdictions where electronic voting systems are used, the election authority shall cause the marking devices to be put in order, set, adjusted and made ready for voting, before they are delivered to polling places on election day.

8.101. Ballots, contents of—form of.—1. Each ballot printed for any election under the provisions of this act shall contain all questions and the names of all offices and candidates certified or filed pursuant to this act and no other. As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of nonpartisan candidates for each office shall be listed in the order in which they are filed.

2. Each ballot shall be plain paper, through which printing or writing cannot be read, and shall have:

- (1) each party name printed in capital letters not less than eighteen point in size;
- (2) a circle one-half inch in diameter immediately below each party name;
- (3) the name of each office printed in capital letters not less than eight point in size;
- (4) the name of each candidate printed in capital letters not less than ten point in size;

(5) a small square, the sides of which shall not be less than one-fourth inch in length, printed directly to the left of each candidate's name and on the same line as the candidate's name. When write-in votes are authorized and no candidate's name is to be printed under the name of an office in a party or nonpartisan column, under the name of the office in the column shall be printed a square. Directly to the right of the square shall be printed a horizontal line on which the voter may vote for a person whose name does not appear on the ballot. When more than one position is to be filled for an office, and the number of candidate's names under the office in a column is less than the number of positions to be filled, the number of squares and write-in lines printed in the column shall equal the difference between the number of candidate's names and the number of positions to be filled.

(6) the list of candidates of each party and all non-partisan candidates placed in separate columns with a heavy vertical line between each list;

(7) a horizontal line extending across the ballot three-eighths of an inch below the last name or write-in line under each office in such a manner that the names of all candidates and all write-in lines for the same office appear between the same horizontal lines. If write-in votes are not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below the name of the last candidate under each office;

(8) in a separate column or beneath a heavy horizontal line under all names and write-in lines, all questions;

(9) at least three-eighths of an inch below all other matter on the ballot, printed in ten point Gothic type, the words "Instructions to Voters" followed by directions to the voter on marking his ballot as provided in section 11.080.

(10) printed at the top on the face of the ballot the words "Official Ballot" followed by the date of the election and the statement "Instruction to Voters: Place an X in the square opposite the name of the person for whom you wish to vote."

3. As nearly as practicable, each ballot shall be in substantially the following form:

OFFICIAL BALLOT

Date _____

REPUBLICAN o For President and Vice President □	DEMOCRATIC o For President and Vice President □	THIRD PARTY o For President and Vice President □	INDEPENDENT For President and Vice President □
For United States Senator □	For United States Senator □	For United States Senator □	For United States Senator □
For United States Representative □	For United States Representative □	For United States Representative □	For United States Representative □
For Governor □	For Governor □	For Governor □	For Governor □
For Lieutenant Governor □	For Lieutenant Governor □	For Lieutenant Governor □	For Lieutenant Governor □
For Secretary of State □	For Secretary of State □	For Secretary of State □	For Secretary of State □
For Attorney General □	For Attorney General □	For Attorney General □	For Attorney General □
For Treasurer □	For Treasurer □	For Treasurer □	For Treasurer □
For State Senator □	For State Senator □	For State Senator □	For State Senator □
For State Representative □	For State Representative □	For State Representative □	For State Representative □
For Circuit Judge □	For Circuit Judge □	For Circuit Judge □	For Circuit Judge □

8.105. Placement of party candidates on ballot, how determined.—1. The party casting the highest number of votes for governor at the last gubernatorial election shall be placed in the first or left-hand column on the ballot. The party casting the next highest number of votes for the same office shall be placed in the next column to the right, and so on until all established parties have been placed. In order of the date their petitions were filed, new parties shall then be placed in columns to the right of the established party receiving the smallest vote for governor. If there is no more than one independent candidate for any office, all independent candidates shall be placed in one column to the right of the new party filing the latest petition. If there is more than one independent candidate for any office, the candidate filing the earliest petition shall be placed in the column to the right of the new party filing the latest petition. The independent candidate filing the next earliest petition shall be placed in the next column to the right, and so on until all independent candidates for the office have been placed.

2. The name of each candidate shall be placed in the appropriate column by the election authority.

8.110. Party emblem, where printed.—Each party emblem shall be printed on the ballot above the party caption.

8.115. President and Vice President to be considered one candidate—ballot, how printed, contents of.—1. For the purposes of this act, the candidates for president and vice president of the United States from any political party or group of petitioners shall be considered one candidate. The names of the candidates for president and vice president from each political party or group of petitioners shall be enclosed in a brace directly to the left of the names in the appropriate column on the official ballot. Directly to the left of each brace shall be printed one square, the sides of which are not less than one-fourth inch in length. The names of candidates for presidential electors shall not be printed on the ballot but shall be filed with the secretary of state in the manner provided in section 10.190.

2. A vote for any candidate for president and vice president shall be a vote for their electors.

3. When presidential and vice presidential candidates are to be elected, the following instruction shall be printed on the official ballot: "A vote for candidates for President and Vice President is a vote for their electors."

8.120. Exact wording of the question certified by Secretary of State to appear on ballot—all questions to require a "YES" or "NO" response.—1. All questions printed on the official ballot shall be phrased in such a manner that the required response is a "YES" or a "NO". Immediately beside or below each question, a "YES" and a "NO" shall be printed, immediately followed by a square, the sides of which are not less than one-fourth inch in length. Beneath the question and the "YES" and "NO" the following instruction shall be printed: "If you are in favor of the question, place an X in the box opposite 'YES'. If you are opposed to the question, place an X in the box opposite 'NO'."

2. When the secretary of state certifies a question to be submitted to a vote of the people, he shall include in his certification the exact wording of the question and the instructions. The wording certified by the secretary of state shall be printed on the official ballot, and no other wording shall be used to submit the question.

8.125. Election authority to provide all ballots—error in ballot, procedure to correct—all ballots printed at public expense.—1. Each election authority shall provide all ballots for every election within its jurisdiction. Ballots other than those printed by the election authority in accordance with this act shall not be cast or counted at any election.

2. Whenever it appears that an error has occurred in any publication required by this act or in the printing of any ballot, any circuit court may, upon the application of

any voter, order the appropriate election authorities to correct the error or to show cause why the error should not be corrected.

3. For each election, the election authority shall provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. The election authority shall keep a record of the exact number of ballots delivered to each polling place.

4. After the polls have closed on every election day, the election judges shall return all unused ballots to the election authority with the other election supplies. All unused ballots delivered to the election authority may be distributed by the election authority to schools in its jurisdiction. Before distribution, all unused ballots shall be stamped "void" by the election authority.

5. All ballots cast in public elections shall be printed and distributed at public expense, payable as provided in sections 2.500 to 2.545.

8.300. Standards required of voting machines.—No voting machine shall be used unless it

- (1) permits voting in absolute secrecy;
- (2) permits each voter to vote for as many candidates for each office as he is lawfully entitled to vote for, and no other;
- (3) permits each voter to vote for or against as many questions as he is lawfully entitled to vote on, and no more;
- (4) provides facilities for each voter to cast as many write-in votes for each office as he is lawfully entitled to cast;
- (5) permits each voter at a general election to vote for all candidates of one party by use of a single lever or to vote a split ticket, as he desires;
- (6) permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;
- (7) permits each voter at a presidential election to vote by use of a single lever for the candidates of one party or group of petitioners for president, vice-president and their presidential electors;
- (8) correctly registers or records and accurately counts all votes cast for each candidate and for and against each question;
- (9) is provided with a lock or locks which prevent any movement of the voting or registering mechanism and any tampering with the mechanism;
- (10) is provided with a protective counter or other device whereby any operation of the machine before or after an election will be detected;
- (11) is provided with a counter which shows at all times during the election how many people have voted on the machine;
- (12) is provided with a proper light which enables each voter, while voting, to clearly see the ballot labels;
- (13) is provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters.

8.305. Recording counters defined—machine may have device for preserving recording counter readings before and after election.—Any voting machine may be provided with a device for printing, embossing or photographing the recording counters before the polls open and after the polls close. "Recording counters" are the counters which show the total number of votes cast for each candidate and for and against each question at any particular time.

8.310. Voting machine ballot labels, how printed and displayed.—Prior to every election at which voting machines are used, the election authority shall insert ballot labels into the voting machines. The ballot labels shall be printed in black on white material of uniform size and shall fit the ballot frames of the machines. In its discretion, the election authority may print the names of the offices in red. The part of the ballot labels pertaining only to questions may be printed in black upon material

tinted red. After the ballot labels have been inserted into the machines, the face of each ballot label shall be completely covered with a protective covering of smooth, hard, transparent material so that it is impossible to alter the face of the ballot label without removing or breaking the covering.

8.315. Voting machine ballots, information thereon, how arranged.—1. In polling places using voting machines, the ballot information may be arranged in vertical or horizontal rows. In any event, the name of each candidate, his party, the office for which he is a candidate and each question shall be indicated clearly on the ballot label. All ballot labels shall be placed to indicate clearly to the voter which key lever or other device to operate in order to vote on questions and for the candidates of his choice.

2. Nothing in this chapter shall be construed as prohibiting the use of a separate paper ballot for questions in polling places where voting machines are used.

8.320. Voting machines to be put in order, procedure to be followed.—1. In jurisdictions where voting machines are used, the election authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places. Before delivery to the polling places, the election authority shall have all recording counters, except the protective counter on each voting machine set at zero (000).

2. At least five days before preparing voting machines for any election, notice of the time and place of such preparation shall be mailed to each independent candidate and the chairman of the county committee of each established political party named on the ballot. The preparation shall be watched by two observers designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public.

3. When a machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting and sealed in their presence with a numbered metal seal. The observers shall certify the number on each machine, the number on each protective counter, the number on each seal and that each recording counter is set at zero.

4. After a voting machine has been properly prepared, locked and sealed, its keys shall be retained by the election authority and delivered to the election judges along with the other election supplies.

8.325. Voting machines to be visible to election judges at polls.—At each polling place using voting machines, the exterior of the voting machines shall be in plain view of the election judges. Each voting machine shall be so placed that, unless its construction requires otherwise, the ballot labels can be plainly seen by the election judges when not in use by voters. The election judges shall not be nor permit any other person to be in any position, or near any position, that enables them to see how any voter votes or has voted. The election judges may inspect any machine as necessary to make sure the ballot label is in its proper place and that the machine has not been damaged.

8.330. Voting machine not to be unlocked or opened during election, exception.—During an election, no door or other counter compartment covering shall be unlocked or opened or the counters exposed, except by direction of the election authority, and then only for good and sufficient reason. If the door or other counter compartment covering on any machine is opened by the election authority or his representative, the reason for such opening shall be stated in writing, signed by the election authority or his representative and attached to one statement of returns.

8.335. No persons except voters to handle voting machine during election, exception.—After the opening of the polls, the election judges shall not permit any person to handle any voting machine, except voters while they are voting and others expressly authorized by the election authority.

8.340. Inoperative voting machine, procedure to follow.—If any voting machine at a polling place becomes inoperative, the election judges shall immediately notify the election authority. If possible, the election authority shall repair or replace the machine. If a voting machine is replaced with another machine, the votes on both machines shall be recorded at the close of the polls and shall be added together in determining the results of the election. If the inoperative machine cannot be repaired, and no other machine is available for use, paper ballots, made as nearly as practicable to the official ballot may be used. At the close of the polls, the votes on paper ballots and the votes on the voting machines shall be recorded and shall be added together in determining the results of the election. All paper ballots used pursuant to this section shall be used in accordance with the laws affecting paper ballots and shall be returned to the election authority as paper ballots are returned with a statement describing how and why the paper ballots were voted.

8.345. Experimental use, adoption of or abandonment of automated voting equipment authorized.—Any election authority may adopt, experiment with or abandon any voting machine meeting the requirements of this chapter or any electronic voting system approved for use in the state, or may lease one or more voting machines or other equipment, either with or without option to purchase, and may use any authorized voting equipment at any polling place in its jurisdiction.

8.350. Exhibition, demonstration and instruction on voting machines authorized.—For the purpose of giving instructions on their use, any election authority may designate suitable times and places for the exhibition and demonstration of its voting machines or marking devices. During such instructions, the voting machines and marking devices may contain sample ballot labels which show the names of offices and fictitious candidates. No voting machine shall be used for instruction after it has been prepared and sealed for use at an election, unless it is prepared again and resealed prior to the election. During the instructions, no counting mechanism on any voting machine shall be exposed to view.

8.355. Voting machines may be rented out or loaned to civic or educational organizations, when, procedure.—While its voting machines or marking devices are not in use, the election authority may permit civic or educational organizations to use the machines or devices for the purpose of giving instructions on their use.

2. Any election authority may rent its voting machines or marking devices to any other group for use in its elections.

3. At the discretion of the election authority, the machines or devices may be transported at the expense of the organizations using them. The president or secretary of each organization using such machines or devices shall sign a receipt therefor and shall agree in writing that the organization assumes liability for any damages or loss occurring to the machines or devices up to the time they are returned to the election authority and will return the machines or devices by a designated time.

8.360. Consistent general law to apply in jurisdictions using voting machines.—All provisions of law not inconsistent with the provisions of section 8.300 to 8.355 shall apply with full force and effect to elections in jurisdictions using voting machines.

9.001. Definitions relative to absentee ballots.—1. As used in this chapter, unless the context clearly implies otherwise, the term "Absentee ballots" means the ballots designed to be voted away from the polls which list all the candidates and questions to be voted on at an election, and also the ballot containing only the names of federal candidates and candidates for statewide office.

2. As used in this chapter, "persons in federal service" includes:

(1) members of the armed forces of the United States, while in active service, and their spouses and dependents;

(2) active members of the merchant marine of the United States and their spouses and dependents;

(3) civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(4) active members of religious or welfare organizations assisting servicemen, and their spouses and dependents;

(5) persons who have been honorably discharged from the armed forces or who have terminated their service or employment in any group mentioned in this section within sixty days of an election, and their spouses and dependents.

9.005. Persons eligible to vote absentee.—1. Any registered voter of this state may vote by absentee ballot if he expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction in which he is registered to vote;

(2) Illness or physical disability;

(3) Religious belief or practice;

(4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than his polling place;

(5) Incarceration, provided all qualifications for voting are retained.

2. Any person in federal service who is eligible to register and vote in any election in this state, may vote in the election even if he is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that he is qualified to vote in the election, may vote at his polling place.

3. Any person who is authorized to vote for federal officers by federal law may vote by absentee ballot for presidential and vice-presidential electors, U.S. senator, representative in Congress and statewide elected officials without being registered.

4. Any registered voter who moves from one jurisdiction in the state to another jurisdiction in the state after 5:00 p.m. on the fourth Wednesday prior to an election, may vote by absentee ballot at the election for presidential and vice-presidential electors, U.S. senator, representative in Congress and statewide elected officials from his new jurisdiction of residence without being registered in his new jurisdiction of residence.

9.010. Application for absentee ballot, how made.—1. Application for an absentee ballot may be made by the applicant in person or by mail, or for the applicant, in person, by his guardian or a relative within the second degree by consanguinity or affinity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he is or would be registered, his reason for voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which ballot he wishes to receive.

3. No application for an absentee ballot shall be accepted by any election authority prior to 8:00 a.m. on the tenth Tuesday prior to the election. No application for an absentee ballot submitted by mail or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to the provisions of this section, the application shall be signed by the guardian or relative, who shall note on the application his relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing

the application, he shall sign by mark, witnessed by the signature of an election official or person of his own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

9.015. Absentee ballots to be printed, when.—1. Not later than the sixth Tuesday prior to each primary and general election, or within fourteen days after candidates' names or questions are certified pursuant to section 6.010, the election authority shall cause to have printed a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As soon as possible after the proper officer calls a special state or county election, the election authority shall cause to have printed a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes.

2. All absentee ballots for an election shall be in the same form as the official ballots for the election, except that in lieu of the words "Official Ballot" at the top of the ballot, the words "Official Absentee Ballot" shall appear.

9.020. Affidavits of absentee voters, where printed, forms of.—1. Each ballot envelope shall bear an affidavit on which the voter shall state his name, his voting address, his mailing address and his reason for voting an absentee ballot. On the form, the voter shall also swear, under penalties of perjury, that he is qualified to vote in the election, that he has not previously voted and will not vote again in the election, that he has personally marked his ballot in secret or supervised the marking of his ballot if he is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by him or under his supervision if he is unable to seal it, and that all information contained in the affidavit is true. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The affidavit for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of

I, (print name), a registered voter of County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

- absence on election day from the jurisdiction in which I am registered;
- illness or physical disability;
- religious belief or practice;
- employment as an election authority or by an election authority at a location other than my polling place;
- incarceration, although I have retained all the necessary qualifications for voting.

I hereby swear that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further swear that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this affidavit is, to the best of my knowledge and belief, true.

.....
Signature of Voter

.....
Signature of Person Assisting
Voter (if applicable)

.....
Voting Address

.....
Subscribed and sworn to before me
this day of
19

.....
Mailing Address (if different)

.....
Signature of notary or other
officer authorized to administer oaths

3. The affidavit for persons voting absentee ballots under the provisions of subsection 2, 3 or 4 of section 9.005 without being registered shall be in substantially the following form:

State of Missouri

County (City) of

I, (print name), declare under the penalties of perjury that I am a citizen of the United States and 18 years of age or older. I am not declared incompetent by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby swear that I am qualified to vote at this election.

(1) I am a resident of the state of Missouri and (check one):

..... am a member of the U.A. armed forces in active service;

..... am an active member of the U.S. merchant marine;

..... am a civilian employee of the U.S. government working outside the United States;

..... am an active member of a religious or welfare organization assisting servicemen;

..... have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;

..... am a spouse or dependent of one of the above;

..... am a registered voter in county and moved from that county to county, Mo. after 5:00 p.m. on the fourth Tuesday prior to this election.

OR (check if applicable)

(2) I am a former resident of Missouri and authorized to vote for federal officers by federal law.

I further swear that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this affidavit is, to the best of my knowledge and belief, true.

.....	Subscribed to and sworn before me
Signature of Voter	this day of
.....	....., 19

.....
Voting Address	Signature of notary or other
.....	officer authorized to administer oaths
.....

.....
Mailing Address	.....
(If different)	.....

.....
Signature of Person	Address of Last Missouri
Assisting Voter	Residence
(if applicable)	(for persons authorized to vote for
	federal officers by federal law)

4. The affidavit for persons voting absentee ballots who are entitled to vote at the election under the provisions of subsection 2 of section 7.020 shall be in substantially the following form:

State of Missouri

County (City) of

I, (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction in which I am directed to vote;

..... illness or physical disability;
 religious belief or practice;
 employment as an election authority or by an election authority at a location
 other than my polling place;
 incarceration, although I have retained all the necessary qualifications
 of voting.

I hereby swear that I own property in the district and am qualified to vote at
 this election; I have not voted and will not vote other than by this ballot at this election. I
 further swear that I marked the enclosed ballot in secret or that I am blind, unable to
 read and write English, or physically incapable of marking the ballot, and the person of
 my choosing indicated below marked the ballot at my direction; all of the information on
 this affidavit is, to the best of my knowledge and belief, true.

..... Subscribed and sworn to before me
 Signature of Voter this day of
 19

.....
 Address Signature of notary or other officer
 authorized to administer oaths
 Signature of Person Assisting
 Voter (if applicable)

9.025. Secretary of State may prescribe regulations as to printing absentee ballots and mailing envelopes.—The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by the Federal Voting Assistance Act of the 84th Congress, 69 Stat. 584, as amended by Publ. L. 90-343, Section 1, 82 Stat. 180 and other provisions of federal law.

9.030. Absentee ballot to be mailed, when—team may take ballot to voter when—voters in federal service, procedure for.—1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for him to vote. Delivery shall be made to the voter personally, or by first class, registered, or certified mail at the discretion of the election authority. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 7.360.

2. If any voter from the jurisdiction has become hospitalized in the jurisdiction after 5:00 p.m. on the Wednesday before an election, if any voter from the jurisdiction has become confined due to illness or injury after 5:00 p.m. on the Wednesday before an election or if any voter from the jurisdiction is confined in a nursing home in the jurisdiction, the election authority may appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. Each team appointed under the provisions of this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each applicant in federal service, the election authority shall stamp prominently in red the words "FEDERAL BALLOT."

STATE OF MISSOURI" and "Free of U. S. Postage. Including Air Mail".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot.

9.035. List of applicants for absentee ballots posted, where.—As applications for absentee ballots are received, the election authority shall list the name, voting address and mailing address, if different, of each applicant. A copy of the list shall be posted in a conspicuous place, accessible to the public, at the entrance to the office of the election authority. Any member of the public may copy the posted list, and the election authority may make copies of the posted list available for a reasonable fee determined by the election authority.

9.040. Absentee ballot, how voted.—1. Upon receiving an absentee ballot, the voter shall mark his ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the affidavit on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths. If the voter is blind, unable to read or write the English language, or physically incapable of voting his ballot, he may be assisted by a person of his own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class three election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.

2. Each absentee ballot shall be returned to the election authority in the ballot envelope and may be returned by the voter in person, by mail or by a team of deputy election authorities.

9.045. Absentee ballots not eligible to be counted, when, procedure.—1. All proper votes on each absentee ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. No votes on any absentee ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

2. If sufficient evidence is shown to an election authority that any absentee voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected. Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of an absentee voter of voting district". The reason for rejection shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.

9.050. Faulty affidavit, effect of.—1. As each absentee ballot is received by the election authority, the election authority shall indicate its receipt on the list and the copy of the list provided for in section 9.035.

2. If the affidavit on any ballot envelope has not been filled out, signed or witnessed by an officer authorized by law to administer oaths, the absentee ballot in the envelope shall be rejected.

3. All ballot envelopes received by the election authority shall be kept together in a safe place and shall not be opened except as provided in this chapter.

9.055. Precinct registers to show absentee ballots received—judges to be notified of late absentee ballots received—voting absentee and at polls, procedure for.—Before the precinct registers are delivered to the polling places for an election, the election authority shall record in the precinct registers those voters who have submitted an absentee ballot and are ineligible to vote at the polls. On election day, the election

authority shall notify the appropriate election judges of any absentee ballot received by the election authority not previously recorded in a precinct register. The election judges shall record the fact in the appropriate precinct register and shall not allow any person who has voted an absentee ballot in the election to vote at the polls on election day. After the election and before convening the verification board, the election authority shall record in the precinct registers those voters whose absentee ballots were received too late to permit previous recording in the precinct registers. If it is determined that any voter submitted an absentee ballot and voted at the polls on election day, the election authority shall certify the fact and the name of the voter to the verification board. Such certificate shall be included with the abstracts drawn by the verification board.

9.060. Absentee ballots, how counted.—1. To count absentee votes on election day, the election authority shall appoint a sufficient number of teams of election judges. Each team shall consist of four judges, two from each major political party.

2. The teams so appointed shall meet on election day two hours after the time fixed by law for the opening of the polls at a central location designated by the election authority. The election authority shall deliver the absentee ballots to the teams, and shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box, tally sheets and statements of returns as are provided to a polling place.

3. Each team shall count votes on all absentee ballots designated by the election authority.

4. One member of each team, closely observed by another member of the team from a different political party, shall open each envelope and call the voter's name in a clear voice. Without unfolding the ballot, two team members, one from each major political party, shall initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No ballot box shall be opened until all of the ballots a team is counting have been placed in the box. The votes shall be tallied and the returns made as provided in chapter 12 for paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and ballot envelopes shall be placed on a string and enclosed in sealed containers marked "voted absentee ballots and ballot envelopes from the election held _____, 19 ____." All rejected absentee ballots and envelopes shall be enclosed and sealed in a separate container marked "rejected absentee ballots and envelopes from the election held _____, 19 ____." On the outside of each voted ballot and rejected ballot container, each member of the team shall write his name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the absentee vote along with the votes certified from each polling place in its jurisdiction.

9.065. Ballot cards and write-in votes on absentee ballots, how tabulated.—If ballot cards are used as absentee ballots, the teams shall meet on election day at a time and place designated by the election authority and shall proceed to separate the ballot cards from the write-in forms and to count the write-in votes as provided in section 12.050. The returns shall be made as provided in sections 12.055 and 12.060, and the ballot cards and other designated election materials shall be delivered to the counting location and tabulated in the manner provided in section 12.065, but no ballot card shall be tabulated before the time fixed by law for the closing of the polls.

9.070. Absentee ballot, how challenged.—Any absentee ballot or any vote on an absentee ballot may be challenged by the same persons and in the same manner as provided in section 11.050. Each challenge shall be decided in the manner provided in the same section.

10.001. Exempt candidates.—This chapter shall not apply to candidates for

special district offices, township offices in township organization counties or city, town and village offices.

10.005. Nominations, how made.—Political parties and groups of voters may nominate candidates in the manner provided by this chapter and in no other manner.

10.010. New parties, names of.—1. Except as provided in subsections 2 and 3 of this section, no political party hereafter organized and no persons hereafter seeking to nominate any candidate by petition shall use any portion of the name of any existing political party.

2. If a new party is formed for more than one district or county at the same time and with the same provisional party chairman, the same name may be used for the party in each such district or county.

3. Any political party established in a district or county may, by a majority vote of its committee members, authorize the use of its name in other districts and counties, and in the state as a whole.

10.015. Consistent general law to apply to primary elections.—All provisions of law not inconsistent with this chapter shall apply with full force and effect to primary elections.

10.025. Petitions to form new party or nominate independent candidates, who may sign.—Any person who is a registered voter of the state of Missouri may sign a petition for the formation of a new political party or for the nomination of an independent candidate for office. Any person who signs a name other than his own to any petition or knowingly signs his name more than once to the same petition or who knows he is not a registered voter at the time of signing such petition, or any officer or person willfully violating any provision of this chapter, shall be guilty of a class two election offense.

10.030. New political party, how formed.—1. Any group of persons desiring to form a new political party throughout the state, or for any congressional district, state senate district, state representative district or circuit judge district, shall file a petition with the secretary of state. Any group of persons desiring to form a new party for any county shall file a petition with the election authority of the county.

2. Each page or a sheet attached to each page of each petition for the formation of a new political party shall:

(1) declare concisely the intention to form a new political party in the state, district or county;

(2) state in not more than five words the name of the proposed party. If presidential electors are to be nominated by petition, at least one qualified resident of each congressional district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the state is entitled, and the name of their candidate for president and the name of their candidate for vice president shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for president and vice president may be added to the party name, but the names of the candidates for president and vice president shall not be printed on the official ballot without the written consent of such persons. Their written consent shall accompany and be deemed part of the petition;

(3) give a complete list of the names and addresses, including the street and number, of all candidates to be nominated for office;

(4) state the office for which each candidate is to be nominated.

3. When submitted for filing, each petition shall contain the names and addresses of two people, not candidates, to serve as provisional chairman and treasurer for the

party in the event the party becomes a new political party.

4. If the new party is to be formed for the entire state, the petition shall be signed by the number of registered voters in each of the several congressional districts which is equal to at least one percent of the total number of votes cast in the district for governor in the last gubernatorial election, or by the number of registered voters in each of one-half of the several congressional districts which is equal to at least two percent of the total number of votes cast in the district for governor at the last gubernatorial election.

5. If the new party is to be formed for any district or county, the petition shall be signed by the number of registered voters in the district or county which is equal to at least two percent of the total number of voters who voted at the last election in which the district or county voted as a unit for the election of officers to serve its area.

10.035. Filing of valid petition, effect of.—The filing of a valid petition shall constitute the political group a new party for the purpose of placing its name and the names of the candidates which appeared on the petition on the ballot at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the name of their candidate for president and the name of their candidate for vice president shall be placed on the official ballot at the next presidential election. If at an election in which the new party's candidates first appear, any of its candidates for a statewide office receives more than two percent of all votes cast for the office, the new party shall become an established political party for the state. If at the election in which the new party's candidates first appear, any of its candidates for an office receives more than two percent of the votes cast for the office in any district or county, the new party shall become an established political party only for the district or county.

10.040. New party committeemen and committeewomen, how selected.—

1. If any new party becomes an established political party, the new party candidates whose names first appeared on the ballot shall have authority to select all committeemen and committeewomen necessary for a provisional party organization in the area in which the party has become established.

2. The provisional party organization shall be subject to the same laws which apply to other established political party organizations.

3. The provisional party organization shall manage and control the affairs of the party until the next primary election at which the party shall nominate and elect party committeemen and committeewomen in the area it has become established under the laws governing other established political parties.

10.045. Independent candidate, how nominated.—1. Any person desiring to be an independent candidate for any office to be filled by voters throughout the state, or for any congressional district, state senate district, state representative district, or circuit judge district, shall file a petition with the secretary of state. Any person desiring to be an independent candidate for any county office shall file a petition with the election authority of the county.

2. Each page or a sheet attached to each page of each petition for the nomination of an independent candidate shall:

(1) declare concisely the intention to nominate an independent candidate;

(2) state the name and address, including street and number, of the independent candidate. If independent candidates for presidential elector are to be nominated, a number of independent candidates for presidential elector equal to the number of electors to which the state is entitled shall be nominated by one petition, and the name of their candidate for president and the name of their candidate for vice president shall be printed on each page or a sheet attached to each page of the petition. At least one qualified resident of each congressional district shall be named as a nominee for

presidential elector, and the name and address of each candidate shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for president and vice president shall not be printed on the official ballot without the written consent of such persons. Their written consent shall accompany and be deemed part of the petition:

(3) state the office candidate is to be nominated.

3. If an independent candidate is to be nominated for a statewide office, the petition shall be signed by the number of registered voters in each of the several congressional districts which is equal to at least one percent of the total number of votes cast in the district for governor at the last gubernatorial election, or by the number of registered voters in each of one-half of the several congressional districts which is equal to at least two percent of the total number of votes cast in the district for governor at the last gubernatorial election.

4. If the independent candidate is to be nominated for a district or county office, the petition shall be signed by the number of registered voters in the district or county which is equal to at least two percent of the total number of voters who voted at the last election in which the district or county voted as a unit for the election of officers to serve its area.

5. The name of each person who files a valid petition for nomination as an independent candidate shall be placed on the official ballot as an independent candidate for the office at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the name of their candidate for president and the name of their candidate for vice president shall be placed on the official ballot at the next presidential election.

10.047. Limitation on voter's signing of nominating petition.—No voter may subscribe to more than one nomination for one office at any election.

10.050. Form of petitions.—1. Each petition filed under the provisions of this chapter shall consist of pages of uniform size. The space for signatures on either side of a petition page shall be no larger than $8\frac{1}{2}$ x 14 inches, and each page shall contain signatures of registered voters from only one county. When submitted for filing, the pages of each petition shall be numbered in sequence for each county.

2. Each page of each petition for the formation of a new party shall be in substantially the following form:

It is a felony for anyone to sign any petition for the formation of a new party with any name other than his own, or knowingly to sign his name more than once to the same petition, or to sign a petition when he knows he is not a registered voter.

PETITION FOR THE FORMATION OF A NEW PARTY

To the Honorable (title of official with whom petition is to be filed) for (the state of Missouri or appropriate county):

We, the undersigned, citizens and registered voters of the state of Missouri, ... county and (district if appropriate), nominate the (name of new political party) party candidates named above for the public offices designated above and respectfully order that the (name of new political party) and its candidates be placed on the ballot, for election or rejection to such public offices at the next election, to be held on the day of 19 and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri, county and (district if appropriate); my street address (or rural route) and the name of the city, town or village in which I live are correctly written after my name.

VERIFICATION AFFIDAVIT STATE OF MISSOURI COUNTY OF _____		I, _____ a registered voter of the state of Missouri, being first duly sworn, say (print or type names of signers)		signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I be- lieve that each has stated his name, street address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ county
NAME (Signature)	ADDRESS (Street) (City, Town or Village)	ZIP Code	CONGR. Dist.	
	(Here follow numbered lines for signers)			Subscribed and sworn to before me this _____ day of _____ A.D., 19 _____
				Notary public (Seal) My commission expires _____
				Signature of affiant (Person obtaining signatures) Address of affiant

3. Each sheet of each petition for nomination of an independent candidate for public office shall be in substantially the following form:

It is a felony for anyone to sign any petition for the nomination of an independent candidate with any name other than his own, or knowingly to sign his name more than once to the same petition, or to sign a petition when he knows he is not a registered voter.

PETITION FOR THE NOMINATION OF AN INDEPENDENT CANDIDATE

To the Honorable (title of official with whom petition is to be filed)

for (the state of Missouri or appropriate county):

We, the undersigned, citizens and registered voters of the state of Missouri, county and (district if appropriate), nominate (name of independent candidate) as an independent candidate for (name of public office for which candidate is to be nominated) and respectfully order that the name of (name of candidate) be placed on the ballot, for election or rejection to such office at the next election, to be held on the day of 19, and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri, county and (district if appropriate); my street address (or rural route) and the name of the city, town or village in which I live are correctly written after my name.

VERIFICATION AFFIDAVIT STATE OF MISSOURI COUNTY OF _____		I, _____ a registered voter of the state of Missouri, being first duly sworn, say (print or type names of signers)				signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, street address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ county	
NAME (Signature)	ADDRESS (Street) (City, Town or Village)	ZIP Code	CONGR. Dist.				
	(Here follow numbered lines for signers)					Subscribed and sworn to before me this _____ day of _____ A.D., 19 _____ Notary public (Seal) _____ My commission expires _____ Signature of affiant (Person obtaining signatures) _____ Address of affiant _____	

No voter who signs a petition for the formation of a new party or the nomination of an independent candidate for office in a county or state senatorial, legislative or judicial district shall be required to note the number of his congressional district on the petition page.

4. When any registered voter wishes to sign a petition for the formation of a new party or nomination of an independent candidate and is unable to sign his name, the required information shall be printed on the petition by the circulator of the petition page. The voter shall then sign the petition by making his mark, witnessed by the signature of the circulator. For purposes of this chapter, all marks made and witnessed in accordance with this subsection shall be considered signatures.

5. Each sheet containing signatures shall be verified in substantially the following form by the person who circulated the sheet, by his affidavit thereon and as a part thereof:

VERIFICATION AFFIDAVIT

STATE OF MISSOURI
COUNTY OF

I,, a registered voter of the state of Missouri, being first duly sworn, say (here shall be legibly printed or typewritten the name of each signer of the page signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, street address and city, town, or village correctly, and that each signer is a registered voter of the state of Missouri and county (City of St. Louis).

Subscribed to and sworn to before
me this day of, 19.... Signature of affiant
(Notary seal and signature)
Address of affiant

10.055. Declaration of candidacy, when required, form of.—When submitted for filing, each petition for the nomination of an independent candidate or for the formation of a new political party shall include a declaration of candidacy for each candidate to be nominated by the petition. Each declaration of candidacy for the office of presidential elector shall be in the form provided in section 10.190. Each declaration of candidacy for an office other than presidential elector shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party, if any, upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially the following form:

I,, a resident and registered voter of the precinct of the town of, or the precinct of the ward of the city of, or the precinct of township of the county of and the state of Missouri, do announce myself a candidate for the office of on the ticket, to be voted for at the general (special) election to be held on the day of 19.... and I further declare that if nominated and elected I will qualify.

.....
Signature of candidate Subscribed and sworn to before me
this day of, 19.....

.....
Residence address Signature of election official or officer
authorized to administer oaths

Each such declaration shall be subscribed and sworn to by the candidate before the election official accepting the candidate's petition, a notary public or other officer authorized by law to administer oaths.

10.060. Time for filing of petitions.—1. The secretary of state shall not accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted prior to 8:00 a.m. on the day immediately following the general election next preceding the general election for which the petition

is submitted or which is submitted after 5:00 p.m. on the first Monday in August immediately preceding the general election for which the petition is submitted.

2. No election authority shall accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted prior to 8:00 a.m. on the day immediately following the general election next preceding the general election for which the petition is submitted or which is submitted after 5:00 p.m. on the tenth Tuesday immediately preceding the general election for which the petition is submitted.

3. When a special election to fill a vacancy is called, neither the secretary of state nor any election authority shall accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted after 5:00 p.m. on the day which is midway between the day the election is called and the election day.

10.065. Receipt to be given for filed petition—partial filing authorized.—

1. When any petition, or part of any such petition, is offered for filing with the secretary of state or an election authority under the provisions of this chapter, the officer receiving the petition shall prepare and issue to the person submitting the petition a receipt indicating the number of petition pages presented from each county. The receipt shall be evidence of the filing of the petition pages subject to the determination that the petition complies with the provisions of this chapter.

2. Part of a new party or independent candidate petition containing not less than thirty-five percent of the total number of required signatures, may be filed at any time after 8:00 a.m. on the day immediately following the general election next preceding the general election for which the petition is submitted. After the initial filing, petition sponsors may file any number of additional pages, but in no case shall the secretary of state or any election authority accept petition pages at a time prohibited in section 10.060.

10.070. Determination of validity or invalidity, when made—refusal to file, procedure to have court determine validity.—1. When any petition is filed with the secretary of state or an election authority under the provisions of this chapter, the secretary of state or the election authority shall determine whether or not it complies with the provisions of this chapter. When any petition is filed with the secretary of state or an election authority under the provisions of this chapter, the secretary of state or the election authority shall, not later than the seventh Tuesday prior to the general election, issue a statement setting forth his determination. When a petition for the formation of a new party or nomination of an independent candidate for a special election is filed with the secretary of state or an election authority, the secretary of state or the election authority shall issue a statement setting forth its determination as soon as possible but in no case to late to permit placement of the party or candidate on the ballot. If the secretary of state or the election authority determines that a petition does not comply with the provisions of this chapter, he shall state the reason for his determination in the statement.

2. If the secretary of state or the election authority refuses to file a petition for the formation of a new party or the nomination of an independent candidate or refuses to issue a statement setting forth his determination within the time prescribed, any registered voter may apply, within ten days after the refusal, to the circuit court for a writ of mandamus to compel him to file the petition or issue the statement. Within ten days after the secretary of state or the election authority issues a statement setting forth his determination, any registered voter may apply to the circuit court to compel the secretary of state or the election authority to reverse his determination. If it is decided by the court that the petition is legally sufficient, the secretary of state or the election authority shall file it, with a certified copy of the judgment attached thereto, as of the date it was originally offered for filing in his office. On showing that any petition filed is not legally sufficient, the court may enjoin all election officials from certifying or

printing the name of the independent candidate or new party and its candidates on the official ballot. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party to the suit may appeal to the supreme court within ten days after a circuit court decision is rendered. The circuit court of Cole County shall have jurisdiction if the secretary of state is a party, and otherwise, the circuit court of the county in which the election authority is located shall have jurisdiction.

10.073. Validity of signatures, who shall determine—grounds for disqualifying signatures—uniform rules authorized.—1. The secretary of state or the election authority shall have specific authority to determine the validity of signatures on petitions filed with his office and shall have authority not to count those which are, in his opinion, forged or fraudulent or the signatures of persons who are not registered voters.

2. For the purpose of verifying signatures on any new party or independent candidate petition filed with his office, the secretary of state may send copies of petition pages by certified mail to the appropriate election authorities for registration verification. Each election authority receiving a copy of petition pages shall check each signature indicated by the secretary of state against the registration records and return all such copies to the secretary of state by certified mail no later than the day designated by the secretary of state. At the same time the copies are returned, the election authority shall certify to the secretary of state the page number and county of each page he received and the total number of valid signatures from each congressional district on the pages. The secretary of state shall not designate any deadline for returning copies and certifications which is less than ten or more than forty days after the copies have been received by the election authority. If the secretary of state or an election authority determines the congressional district number written after the signature of any registered voter is not the congressional district in which he resides, the secretary of state or the election authority shall correct the congressional district number on the petition page. Failure of a voter to give his correct congressional district number shall not alone be sufficient reason to disqualify his signature. Only valid signatures from the county named in the circulator's affidavit shall be counted on any petition page.

3. The secretary of state is authorized to adopt rules and regulations to insure the uniform, complete and accurate checking of signatures on petitions filed with his office.

4. If copies of petition pages are sent to any local election authority for registration verification under the provisions of this chapter, the secretary of state's final determination on the number of valid signatures submitted on the petition from the election authority's jurisdiction shall be based on the certification made by the election authority.

10.075. City election authority to assist county election authority verify signatures, when.—1. When an election authority for a county and an election authority for a city have jurisdiction within the same county, the county election authority may, for the purpose of verifying signatures on any new party or independent candidate petition filed with its office, deliver copies of petition pages to the city election authority for registration verification. The city election authority receiving a copy of petition pages shall check each signature indicated by the county election authority against its registration records and return all such copies to the county election authority no later than the day designated by the county election authority. At the same time the copies are returned, the city election authority shall certify to the county election authority the page number of each page it received and the total number of valid signatures from the city on the pages. The county election authority shall not designate any deadline for returning copies and certifications which is less than six or more than twelve working days after the copies have been received by the city election authority.

2. If copies of petition pages are sent to a city election authority for registration

verification under the provisions of this section, the county election authority's final determination on the number of valid signatures submitted on the petition from the city shall be based on the certification made by the city election authority.

10.080. Nominations, how made.—Except as otherwise provided in this chapter, all candidates for elective office shall be nominated at a primary election in accordance with the provisions of sections 10.080 through 10.205 of this chapter.

10.085. Primary elections, when held.—For the nomination of candidates to be elected at the next general election, a primary election shall be held on the first Tuesday after the first Monday in August of even numbered years.

10.090. Winner of primary to be only candidate of that party for that office.—The person receiving the greatest number of votes at a primary election as a party candidate for an office shall be the only candidate of that party for the office at the general election. The name of such candidate shall be placed on the official ballot at the general election unless he is removed or replaced as provided by law.

10.095. Notice of offices for which candidates are to be nominated, when sent—election authority to publish notice with filing date.—1. Not later than the eighteenth Monday prior to each primary election, the secretary of state shall prepare and transmit to each election authority a notice, in writing, designating the offices for which candidates are to be nominated at the primary election.

2. Upon receipt of notice, the election authority shall publish the notice and the date by which candidates must file for such offices in a newspaper of general circulation in its jurisdiction.

10.098. Declaration of candidacy required prior to name appearing on ballot—fraudulent declaration a class one offense.—1. No candidate's name shall be printed on any official ballot unless his written, signed and sworn declaration of candidacy has been filed in the office of the appropriate election official as provided in this chapter.

2. Any person filing a declaration of candidacy containing a false or forged signature or containing the name of a nonexistent or fictitious person shall be guilty of a class one election offense.

10.100. Time for filing of a declaration of candidacy—form of declaration.—1. Except as otherwise provided in sections 10.123 through 10.155, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the last Tuesday in April immediately preceding the primary election.

2. Except declarations filed for nomination in the 1978 primary election before 8:00 a.m. on the second Tuesday in January, 1978, no declaration of candidacy for nomination in a primary election shall be accepted for filing prior to 8:00 a.m. on the second Tuesday in January immediately preceding the primary election.

3. Each declaration of candidacy for nomination in a primary election shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party ticket on which he wishes to be a candidate and that if nominated and elected he will qualify. The declaration shall be in substantially the following form:

I,, a resident and registered voter of the precinct of the town of, or the precinct of the ward of the city of, or the precinct of township of the county of and the state of Missouri, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary election to be held on the day of, 19....., and I further declare that if nominated and elected to such office I will qualify.

Subscribed and sworn to before me
this day of, 19.....

Signature of Candidate

.....
Residence address

Signature of election official
or other officer authorized to
administer oaths

If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate before an official authorized to accept his declaration of candidacy. If the declaration is to be filed by certified mail pursuant to the provisions of subsection 2 of section 10.155, it shall be subscribed and sworn to by the candidate before a notary public or other officer authorized by law to administer oaths.

10.105. Candidate may not file for more than one office or as a candidate for the same office on more than one ticket at the same election.—No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term. No person shall file for one office and, without withdrawing, file for another office to be filled at the same election. Any person violating any provision of this section shall be disqualified from running for nomination or election to any office at the primary and general election next succeeding the violation.

10.110. Declarations of candidacy, where filed.—All declarations of candidacy shall be filed as follows:

(1) for presidential elector, United States senator, representative in congress, statewide office, circuit judge not subject to the provisions of Article V, Section 29 of the Missouri constitution, state senator and state representative, in the office of the secretary of state;

(2) for all county offices, in the office of the county election authority.

10.115. Declarations to be filed by candidate in person, exceptions.—

1. Except as provided in subsection 2 of this section and in section 10.140, each declaration of candidacy for nomination in a primary election shall be filed by the candidate in person in the office of the appropriate election official.

2. A candidate may file his declaration of candidacy by certified mail if he is:

(1) unable to appear in person because of physical disability, and the declaration is accompanied by a sworn statement of a licensed physician so stating, or

(2) a member of the armed forces of the United States on active duty, and the declaration is accompanied by a sworn statement of the candidate's commanding officer so stating.

3. Except as provided in section 10.140, no election official shall accept for filing any declaration of candidacy for nomination in a primary election not presented to him by the candidate in person or which, if sent by certified mail pursuant to subsection 2 of this section, is not accompanied by the statement required in the same subsection.

10.117. Filing fees—declaration of inability to pay, form of.—1. Except as provided in subsections 3 and 4 of this section, each candidate for federal, state or county office shall, before filing his declaration of candidacy, pay to the treasurer of the state or county committee of the political party upon whose ticket he seeks nomination a certain sum of money as follows:

(1) to the treasurer of the state central committee, one hundred dollars if he is a candidate for statewide office or for United States senator, fifty dollars if he is a candidate for representative in congress, circuit judge or state senator, and twenty-five dollars if he is a candidate for state representative;

(2) to the treasurer of the county central committee, twenty-five dollars if he is a candidate for county office.

2. The required sum may be submitted by the candidate to the official accepting his declaration of candidacy. All sums so submitted shall be forwarded promptly by the official to the treasurer of the appropriate party committee.

3. Any person who cannot pay the fee required to file as a candidate may have the fee waived by filing a declaration of inability to pay and a petition with his declaration of candidacy. Each such declaration shall be in substantially the following form:

DECLARATION OF INABILITY TO PAY FILING FEE

I,, do hereby swear that I am financially unable to pay the fee of (amount of fee) to file as a candidate for nomination to the office of at the primary election to be held on the day of 19.

	Subscribed and sworn to before me
.....	this day of 19.
Signature of candidate	.....
.....	Signature of election official
Residence address	or officer authorized to
	administer oaths

If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the election official who witnesses the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified mail pursuant to subsection 2 of section 10.115, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the notary or other officer who witnesses the candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall submit a petition endorsing his candidacy. Except for the number of signatures required, each such petition shall, insofar as practicable, be in the form provided in sections 10.045 and 10.050. If the person filing a declaration of indigence is to be a candidate for statewide office, his petition shall be signed by the number of registered voters in the state equal to at least one half of one percent of the total number of votes cast in the state for the office at the last election in which a candidate ran for the office. If the person filing a declaration of indigence is to be a candidate for any other office, the petition shall be signed by the number of registered voters in the district or political subdivision which is equal to at least one percent of the total number of votes cast for the office at the last election in which a candidate ran for the office. The candidate's declaration of inability to pay and the petition shall be filed at the same time and in the same manner as his declaration of candidacy is filed. The petition shall be checked and its sufficiency determined in the same manner as new party and independent candidate petitions.

4. No filing fee shall be required of any person who proposes to be an independent candidate, the candidate of a new party or a candidate for presidential elector.

5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall be printed on any official ballot until the required fee has been paid.

10.120. Withdrawal of candidacy, deadline for, how made.—1. Any person who has filed a declaration of candidacy for nomination and who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the primary election, file a written, sworn statement of withdrawal in the office of the official who accepted his declaration of candidacy. Any person nominated for an office who wishes to withdraw as a candidate shall, not later than the eighth Tuesday prior to the general election, file a written, sworn statement of withdrawal in the office of the official who accepted his declaration of candidacy.

2. The name of a person who has properly filed a declaration of candidacy, or of a person nominated for office, who has not given notice of withdrawal as provided in subsection 1 of this section shall, except in case of death or disqualification, be printed on the official primary or general election ballot, as the case may be.

10.123. Filing to be reopened, when—death of incumbent candidate to create vacancy on ballot, when.—1. Except as provided in subsection 2 of this section, if a candidate for nomination to an office in which he is the incumbent dies, withdraws as provided in subsection 1 of section 10.120, or is disqualified after the filing deadline for any primary election, filing for the office shall be reopened for a period of five working days, excluding holidays and weekends, following the death, withdrawal or disqualification during which period new candidates may file declarations of candidacy.

2. If a candidate for nomination to an office in which he is the incumbent dies or becomes disqualified after 5:00 p.m. on the third Friday prior to the primary election, the election and canvass shall proceed, and, if a sufficient number of votes are cast for the deceased candidate to entitle him to nomination had he not died, a vacancy shall exist on the general election ballot to be filled in the manner provided in section 10.125 to 10.140.

10.125. Party nominating committee to select candidate, when.—1. Except as provided in section 10.123, a party nominating committee of a political party may select a party candidate for nomination to an office on the primary election ballot in the following cases:

(1) if there are no candidates for nomination as the party candidate due to death or disqualification of all candidates after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 9:00 a.m. on the second Monday prior to the primary election;

(2) if there are no candidates for nomination as the party candidate due to withdrawal after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

(3) if there are no candidates for nomination as the party candidate due to death or disqualification of all candidates within seven days prior to the filing deadline and if no person has filed for the party nomination within that time;

2. A party nominating committee may select a party candidate for election to an office on the general election ballot in the following cases:

(1) if the person nominated as the party candidate shall die or become disqualified at or before 9:00 a.m. on the second Monday prior to the general election;

(2) if the person nominated as the party candidate shall withdraw at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

3. A party nominating committee may select a party candidate for election to an office when a vacancy in the office which is to be filled for the unexpired term at an election occurs.

10.126. Nominating committee designated as to certain offices.—1. The nominating committee authorized to select a candidate for nomination or election to office under the provisions of section 10.125 shall be one of the following:

(1) To select a candidate for county office, the nominating committee shall be the county committee of the party;

(2) To select a candidate for state representative, the nominating committee shall be the legislative district committee of the party;

(3) To select a candidate for state senator, the nominating committee shall be the senatorial district committee of the party;

(4) To select a candidate for circuit court judge not subject to the provisions of Article V, Section 29 of the state constitution, the nominating committee shall be the judicial district committee of the party;

(5) To select a candidate for representative in Congress, the nominating committee shall be the congressional district committee of the party;

(6) To select a candidate for statewide office, the nominating committee shall be

the state committee of the party.

2. The chairman of each nominating committee shall be the committee chairman of the county in the area to be represented by the candidate which polled the highest number of votes for the party candidate for governor in the last gubernatorial election, but the chairman shall have no vote unless he is a member of the nominating committee.

10.127. Change of district boundaries, effect on nominating committee.—

1. In the event that the boundaries of a district have been altered, or a new district established for a candidate to be selected by a party committee since the last election in which a party candidate ran for such office, the members of the nominating committee shall be the same as those provided in section 10.126. The chairman of the nominating committee shall be the committee chairman of the county which polled the highest vote for the party candidate for governor at the last gubernatorial election. The vote of each nominating committee member shall be weighted according to the percentage of the total vote cast for the party candidate for governor in the last gubernatorial election that was cast in his county.

2. In the event that a candidate is to be selected by a party committee of a new political party which has not yet elected committeemen and committeewomen in the manner provided by law, the chairman of the nominating committee shall be the provisional chairman of the party for the state, or if the political party is formed for a district or political subdivision less than the state, the chairman of the nominating committee shall be the provisional chairman of the party for such district or political subdivision. The chairman of the nominating committee shall appoint additional members of the nominating committee, not less than four in number, and the vote of each member shall be weighted equally.

3. In the event that a candidate is to be selected for nomination or election to an office by a new political party which has elected committeemen and committeewomen in the manner provided for established political parties, the members of the nominating committee shall be the same as provided in section 10.126. When the vote of each nominating committee member is not to be weighted equally and a candidate of the new political party has never run for such office, the vote of each member shall be weighted according to the percentage of the district's or political subdivision's population that is contained in his county.

10.128. Notice of vacancy, when given to nominating committee.—Upon notification of a vacancy authorized to be filled by a nominating committee under the provisions of section 10.125, the secretary of state or the election authority shall, not later than twenty-four hours after receiving such notification, notify the chairman of the appropriate nominating committee. If it is impossible to notify the chairman of the nominating committee, the secretary of state or the election authority shall notify the vice chairman of the chairman's county committee. If it is impossible to notify the vice chairman, the secretary of state or the election authority shall notify any member of the nominating committee. The chairman of the nominating committee shall, as soon as possible, but in no case later than two weeks after being notified of the vacancy, call a meeting of the nominating committee for the purpose of selecting a candidate to fill the vacancy. The meeting shall be called at a place located in the area the candidate is to represent. If the chairman does not call a meeting within the time specified, any member of the nominating committee may do so. The person calling the meeting shall notify each member of the nominating committee of the time and place of the meeting.

10.129. Majority of committee present required to nominate, exception.—

1. To select a candidate under the provisions of section 10.125, a majority of the members of the nominating committee must be present. Except as provided in subsection 2 of this section, a member must be present in person to vote, and a majority vote of the members present shall be sufficient to nominate a candidate. The committee shall have no power to delegate its authority to any other person or group.

2. If a member of one nominating committee is a member of one or more additional nominating committees meeting on the same day, the member may, if he attends one of the meetings, select a person to participate and vote at each additional meeting in his stead.

10.130. Candidates selected by committee to be certified to election authority, when—death of candidate selected by committee, effect of.—1. The name of a candidate selected by a party nominating committee for a primary election to fill a vacancy created by withdrawal shall be certified to the secretary of state or proper election authority no later than 5:00 p.m. on the eighth Tuesday prior to the primary election. The name of a candidate selected by a party nominating committee for a general election to fill a vacancy created by withdrawal shall be certified to the secretary of state or proper election authority no later than 5:00 p.m. on the seventh Tuesday prior to the general election. The name of a candidate selected by a party nominating committee for a primary or general election to fill a vacancy created by death or disqualification shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the twenty-eighth day after the vacancy occurs or no later than 5:00 p.m. on the Friday immediately prior to the election, whichever occurs sooner. The name of a person selected by a party nominating committee as a candidate to fill an unexpired term shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the day which is midway between the day the election is called and election day.

2. If the candidate selected by a party nominating committee for a primary, general or special election ballot dies prior to the election, the vacancy created by such death may be filled in the manner provided for filling vacancies created by death on the primary and general election ballots.

10.135. Chairman of party nominating committee may fill vacancy, when—false report of vacancy a class one offense.—1. When a vacancy is created by death or disqualification after 9:00 a.m. on the second Monday before an election and at or before 9:00 a.m. on the Friday immediately prior to an election and a party nominating committee would be authorized to fill the vacancy had it occurred at 9:00 a.m. on the second Monday before the election, the chairman of the party nominating committee shall have authority to select a candidate to fill the vacancy. The chairman of the nominating committee shall make an affidavit covering the facts before the judge of a court of record who shall, under his hand and the seal of the court grant a certificate covering the facts. Except as provided in subsection 2 of this section, the certificate and the certification and declaration of candidacy required in section 10.140 shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the Friday immediately prior to the election.

2. Should the exigency of time be so great as to require it, notice of compliance with subsection 1 of this section and the certification provided for in section 10.140 may be conveyed to the secretary of state or proper election authority by telegraphic message, no later than 5:00 p.m. on the Friday immediately prior to the election. The secretary of state or proper election authority shall proceed immediately upon receipt of such telegram to take action as though all required papers had been filed. If all required papers have not been filed with the secretary of state or proper election authority before the time set for the opening of the polls on election day, no votes for the candidate selected by the nominating committee chairman shall be counted. Any false or corrupt use of the telegraph to mislead any officer in regard to a vacancy or substitution of a name upon a ballot shall be deemed a class one election offense.

10.140. Certification of nomination by committee chairman, forms of—candidates declaration, form of.—1. Each selection of a candidate made by a party nominating committee under the provisions of section 10.125 shall be certified by the chairman or acting chairman of the nominating committee and filed with the election

official authorized to receive declarations of candidacy for the office. Each such certification shall be subscribed and sworn to by the chairman or acting chairman before the election official accepting the certification or a notary public and shall be in substantially the following form:

I,, Chairman (Acting Chairman) of the party nominating committee duly authorized to nominate a candidate to fill the vacancy created by the death (withdrawal, disqualification, resignation) of, do hereby certify that on the day of, 19....., the nominating committee met and duly selected as the party candidate for nomination (election) to (fill the unexpired term in) the office of, district, at the primary (general, special) election to be held on the day of, 19......

I further certify that before the meeting, each member of the nominating committee was properly notified of the time and place of the meeting, a majority of the members of the nominating committee were present at the meeting, and was duly selected by a majority of the members present at the meeting.

.....	Subscribed and sworn to before me
Signature of chairman	this day of, 19.....
or acting chairman	.....
	Signature of election official
	or notary public

2. Each selection of a candidate made by the chairman of a party nominating committee under the provisions of section 10.135 shall be certified by the chairman of the nominating committee and filed in the office of the election official authorized to receive declarations of candidacy for the office. Each such certification shall be subscribed and sworn to by the chairman before the election official accepting the certification or a notary public and shall be as far as practicable in the form provided in subsection 1 of this section.

3. When submitted for filing, each certification made by the chairman or acting chairman of a party nominating committee under the provisions of this section shall be accompanied by a declaration of candidacy and any filing fee required for the candidate selected by the nominating committee or its chairman. The declaration candidacy shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially the following form:

I, a resident and registered voter of the precinct of the town of, or the precinct of the ward of the city of, or the precinct of the township of the county of, and the state of Missouri, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary (general, special) election to be held on the day of, 19....., and I further declare that if nominated and elected (elected) to such office I will qualify.

.....	Subscribed and sworn to before me
Signature of candidate	this day of, 19.....
.....
Residence address	Signature of election official
	or officer authorized to
	administer oaths

Each such declaration shall be subscribed and sworn to by the candidate before the

election official accepting the certification, a notary public or other officer authorized by law to administer oaths.

4. Neither the secretary of state nor any election authority shall accept any certification, declaration of candidacy or filing fee submitted by the chairman or acting chairman of a party nominating committee after the deadline provided for submitting such certification in section 10.130 or 10.135. Any selection made by a party nominating committee or by the chairman of a party committee which is not made in accordance with the provisions of sections 10.125 to 10.140 shall be null and void.

10.145. Death of candidate after filing deadline and before election, procedure to be followed.—1. Whenever the only candidate of a party for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after the filing deadline and before the election, his name shall be printed on the primary, general or special election ballot, as the case may be, unless another candidate has filed for the office pursuant to the provisions of section 10.123 or a new candidate has been selected pursuant to the provisions of section 10.125 to 10.140. Whenever any other candidate for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after 9:00 a.m. on the Friday immediately prior to the election, his name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the deceased candidate to entitle him to nomination or election had he not died, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

2. Whenever a candidate for nomination or election to an office is disqualified after 9:00 a.m. on the Friday immediately prior to a primary election, general election or special election to fill a vacancy, his name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the disqualified candidate to entitle him to nomination or election had he not become disqualified, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

3. Except as provided in subsection 2 of section 10.120, subsection 2 of section 10.123 and subsections 1 and 2 of this section, whenever a candidate for nomination or election to an office dies, withdraws or is disqualified prior to a primary election, general election or special election to fill a vacancy, all appropriate election authorities shall see that such candidate's name is removed from the primary, general or special election ballot, as the case may be.

10.150. Secretary of State to notify appropriate election authorities of nomination, when.—Whenever a selection is properly certified to the secretary of state by the chairman or acting chairman of a party nominating committee for a special election or after the secretary of state has certified the names of candidates pursuant to section 10.160 or 10.195, the secretary of state shall immediately notify all appropriate election authorities of the selection.

10.155. Name changes on ballot, how made.—Any election authority duly notified that a name is to be removed from the ballot or that a new candidate has been selected, shall have the proper corrections made on the ballot before the ballot is delivered to or while it is in the hands of the printer. If time does not permit correction of the printed ballot, the election authority shall have prepared small pasters, suitable for covering the name to be removed on the ballots, ballot labels or on the protective covering of each voting machine. If a candidate is replaced by a candidate pursuant to the provisions of sections 10.123, to 10.140, the paster shall contain the name to be substituted in letters of the same size and type as all other names on the ballot. The appropriate election authorities shall see that such pasters are properly applied to the ballots, ballot labels or voting machines before they are used for voting.

10.157. Party emblem, when submitted to Secretary of State.—1. Not later

than the tenth Tuesday before an election at which the party's name will appear on the ballot, the state committee of each established statewide political party, the chairman of the county or district committee of each political party established for a county or district, and the provisional party chairman of each new party and group of petitioners shall select a party emblem and submit it in writing to the secretary of state. No party shall submit the American flag as an emblem. Except as provided in subsections 2 and 3 of this section, no party shall submit any emblem deceptively similar to an emblem which has been used by any other party in the past five years or is the subject of a pending certification.

2. If a new party is formed for more than one district or county at the same time, with the same name and the same provisional party chairman, the same party emblem may be submitted for the party in each such district or county.

3. Any political party established in a district or county may, by a majority vote of its committee members, authorize the use of its emblem in other districts and counties, and in the state as a whole.

4. When a party emblem is properly submitted to the secretary of state, the secretary of state shall certify the emblem to the appropriate election authorities when he certifies the names of candidate pursuant to section 10.160 and 10.195.

10.160. Secretary of State to furnish each election authority a list of candidates for each office and the order of their filing—list, when due.—Not later than the seventh Tuesday before each primary election, the secretary of state shall transmit to each election authority a certified list containing the name and address of each person who has filed a declaration of candidacy in his office and is entitled to be voted for at the primary election, together with a designation of the office for which he is a candidate and the party he represents. In his certification, the secretary of state shall also include the order in which the candidates for each office filed their declarations of candidacy.

10.165. Election authority to publish list of candidates, date of election and hours the polls will open.—Upon receipt of the certified list from the secretary of state, each election authority shall publish, under the proper party designations, the title of each office, the name and address of each candidate for each office to be voted on within its jurisdiction, the date of the primary election and the hours the polls will be open. The notice shall be published in a newspaper of general circulation within the jurisdiction of the election authority.

10.170. Sample ballots, when and how distributed.—Not later than the fourth Tuesday prior to the primary election, each election authority shall prepare sample official ballots. The sample ballots shall contain, under the appropriate offices and party designations, the names of all candidates to be voted on in its jurisdiction in the order they will appear on the ballot. Each sample ballot shall be printed upon tinted or colored paper, of a different tint or color from the official primary ballot, and shall contain no endorsements. Immediately after having the sample ballots prepared, each election authority shall mail to the chairman of each county committee in its jurisdiction and to each candidate named on the ballot, a copy of the sample ballot for his party. The election authority shall also post a copy of each sample ballot in a conspicuous place in its office.

10.175. Election authority to deliver official ballots to polls—number of ballots, how determined.—Prior to the primary election, each election authority shall correct any errors or omissions on the sample ballots and cause official ballots to be printed. For each party having a ballot at the primary election, the election authority shall deliver to each polling place a number of ballots equal to at least one and a half times the number of ballots cast in the voting district for the party at the next to last primary election. If no ballots were cast for a party in a voting district at the last primary election, the election authority shall deliver to the polling place a number of ballots estimated to be sufficient for the party.

10.180. Ballot for each party at primary—candidates listed in order of filing—ballot information, how shown.—1. At each primary election, there shall be as many separate ballots as there are parties entitled to participate in the election.

2. The names of the candidates for each office on each party ballot shall be listed in the order in which they are filed.

3. Insofar as applicable, the provisions of sections 8.101, 8.110 and 8.120 shall apply to each ballot prepared for a primary election, except that the ballot information may be placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in lines shall appear under the name of any office for which a candidate is to be nominated at the primary. At a primary election, write-in votes shall be counted only for persons who can be elected to an office at the primary.

10.185. Voter may receive only one party ballot—voters not wishing a party ballot may vote for independents and on all propositions and questions.—In each primary election, each voter shall be entitled to receive the ballot of one and only one political party, designated by the voter before receiving his ballot. Each voter who participates in a party primary shall be entitled to vote on all questions and for any nonpartisan candidates submitted by political subdivisions and special districts at the primary election. Each voter who does not wish to participate in a party primary may vote on all questions and for any nonpartisan candidates submitted by a political subdivision or special district at the primary election.

10.190. Presidential and Vice Presidential candidates, when certified to Secretary of State—declaration of candidacy of presidential electors, form of.—

1. Not later than the tenth Tuesday prior to each presidential election, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for president and vice-president of the United States.

2. Not later than the third Tuesday prior to each presidential election, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for presidential elector. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector by each state committee, and the number of nominees for presidential elector named by each state committee shall equal the number to which the state is entitled.

3. When submitted for filing, each certification made by a state committee pursuant to the provisions of subsection 2 of this section shall be accompanied by a declaration of candidacy for each candidate for presidential elector. Each declaration of candidacy shall state the candidate's full name, residence address, office for which he proposes to be a candidate and that if elected he will qualify. Each such declaration shall be in substantially the following form:

I,, a resident of the congressional district and the state of Missouri do announce myself a candidate for the office of presidential elector from the congressional district (state at large) on the ticket, to be voted for at the presidential election to be held on the day of 19., and I further declare that if nominated and elected to such office I will qualify.

Subscribed and sworn to before me
this day of, 19. . .

.....
Signature of candidate

.....
Residence address

.....
Signature of election official or
officer authorized to administer oaths

Each such declaration shall be subscribed and sworn to by the candidate before the election official receiving the certification, a notary public or other officer authorized by law to administer oaths.

10.195. General election candidates, list to be sent to election authorities, when.—No later than the seventh Tuesday prior to each general election, the secretary

of state shall send to each election authority a certified list containing the name and address of each person who has filed a declaration of candidacy in his office and is entitled to be voted for at the general election, together with a statement of the office for which he is a candidate and the party he represents or that he is an independent candidate.

10.200. Forms to be prepared by Secretary of State, when.—Not later than May first prior to each primary election, the secretary of state shall prepare all forms necessary to carry out the provisions of this chapter. The forms shall be substantially followed in all primary elections.

10.205. False swearing a class one offense.—Any person making a sworn statement, affidavit or declaration of candidacy required by this chapter who swears falsely or signs such document knowing the statements therein are untrue shall be deemed guilty of a class one election offense.

11.001. Polls, hours to be open.—The election judges shall open the polls at six o'clock in the morning and keep them open until seven o'clock in the evening. At seven o'clock in the evening, all voters at the polls, including any in line to vote, shall be permitted to vote.

11.005. Who may be admitted to polling place.—Except election authority personnel, election judges, watchers and challengers appointed pursuant to section 4.001 or 4.005, law enforcement officials at the request of election officials or in the line of duty and registered voters who are eligible to vote at the polling place, no person shall be admitted to a polling place.

11.010. Election authority to provide polling booths.—For each polling place in its jurisdiction, the election authority shall provide a sufficient number of voting booths, equipped and supplied so voters can vote conveniently and in secret.

11.013. Secretary of State to furnish election authorities election laws pamphlets, each polling place to have a copy—instructions to election judges may be furnished.—1. Not later than the tenth day prior to each presidential election, and more often if necessary, the secretary of state shall furnish to each election authority a sufficient number of printed pamphlets containing the provisions of the constitution and laws of the state relating to elections. Each election authority shall carefully preserve the pamphlets in its office. At least one copy shall be provided by each election authority to each polling place in its jurisdiction at each election. After each election, all such pamphlets shall be returned to the office of the election authority with the election supplies.

2. The secretary of state may also publish instructions to election judges for distribution by election authorities to election judges.

11.015. Necessary equipment to be delivered to polls by election authority.—Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place the appropriate ballots, ballot boxes, precinct registers, voting booths, voting machines and all other supplies, material and equipment necessary and appropriate for the polling place. The election authority shall make and preserve a record of each delivery.

11.020. Voter instruction cards to be delivered to polls.—1. Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of voter instruction cards which include the following information:

(1) if paper ballots or an electronic voting system is used, the instructions shall inform the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in the ballot box and how to obtain a new ballot to replace one accidentally spoiled;

(2) if voting machines are used, the instructions shall inform the voter how to operate the machine in such a manner that he may vote as he wishes.

2. If marking devices or voting machines are used, the election authority shall also provide to each polling place a model of a marking device or portion of the face of a voting machine. If requested to do so by a voter, the election judges shall give instructions on operation of the marking device or voting machine by use of the model.

11.025. Sample ballots, cards or ballot labels to be delivered to the polls, when.—Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of sample ballots, ballot cards or ballot labels which shall be a different color but otherwise exact copies of the official ballot. The samples shall be printed in the form of a diagram, showing the form of the ballot or the front of the marking device or voting machine as it will appear on election day.

11.030. Duties of election judges to be performed prior to opening of the polls.—Before the time fixed by law for the opening of the polls, the election judges shall:

(1) set up the voting equipment, arrange the furniture, supplies and records and make all other arrangements necessary to open the polls at the time fixed by law.

(2) post a voter instruction card in each voting booth or machine and in at least one other conspicuous place within the polling place and post a sample ballot in a conspicuous place near the voting booths.

(3) certify the number of ballots received at each polling place. In each polling place using voting machines, the election judges shall, in lieu of certifying the number of ballots received, certify the number on each voting machine received at the polling place, the number on the seal of each voting machine, the number on the protective counter of each voting machine and that all recording counters on all voting machines at the polling place are set at zero. If a recording counter on any voting machine is not set at zero, the election judges shall immediately notify the election authority and proceed as it directs.

(4) compare the ballot, ballot label or ballot card and ballot label with the sample ballots, see that the names, numbers and letters agree and certify thereto in the tally book. If the names, numbers or letters do not agree, the election judges shall immediately notify the election authority and proceed as it directs.

(5) sign the tally book in the manner provided in the form for tally books in section 12.035, 12.060 or 12.095. If any election judge, challenger or watcher has not been previously sworn as the law directs, he shall take and subscribe the oath of his office as provided in section 3.030 or 4.015, and the oath shall be returned to the election authority with the tally book.

11.035. Ballot box, procedure for handling.—After the time fixed by law for the opening of the polls but before the voting begins, the election judges shall open the ballot box and show to all present that it is empty. The ballot box shall then be locked and the key kept by one of the election judges. The ballot box shall not be opened or removed from public view from the time it is shown to be empty until the polls close or until the ballot box is delivered for counting pursuant to section 12.010. If voting machines are used, the election judges shall call attention to the counter on the face of each voting machine and show to all present that it is set at zero.

11.040. Name must be on precinct register to be eligible to vote, exception.—Except as provided in subsection 2 of section 9.005, the election judges shall allow no person to vote whose name does not appear in the precinct register without the express sanction of the election authority.

11.045. Voter to sign identification certificate—form of certificate.—
1. Before receiving a ballot, each voter shall identify himself and write his address and sign his name on a certificate furnished to the election judges by the election authority. Each certificate shall be in substantially the following form:

VOTER'S IDENTIFICATION CERTIFICATE

Warning: It is against the law for anyone to vote, or attempt to vote without having a lawful right to vote

PRECINCT

WARD OR TOWNSHIP

GENERAL (SPECIAL, PRIMARY) ELECTION

Held 19.....

Date

I hereby certify that I am qualified to vote at this election

.....
 Sign Name
 (Do Not Print)

.....
 Initials of two judges from
 different political parties

Address

2. If any voter is unable to sign his name, an election judge shall print the name and address of the voter in the appropriate place on the certificate, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

3. Two election judges, one from each major political party, shall compare the signature on the identification certificate with the signature on the precinct register.

11.050. Person not allowed to vote—appeal, how taken—voter may be required to sign affidavit, when—false affidavit a class one offense.—1. The election judges shall not permit any person to vote unless satisfied that such person is the person whose name appears on the precinct register.

2. The identity or qualifications of any person offering to vote may be challenged by any election authority personnel, any registered voter, or any duly authorized challenger at the polling place. No person whose right to vote is challenged shall receive a ballot until his identity and qualifications have been established.

3. Any question of doubt concerning the identity or qualifications of a voter shall be decided by a majority of the judges. If the election judges decide not to permit a person to vote because of doubt as to his identity or qualifications, the person may apply to the election authority or to the circuit court as provided in sections 7.335 and 7.360.

4. If the election judges cannot reach a decision on the identity or qualifications of any person, the question shall be decided by the election authority, subject to appeal to the circuit court as provided in section 7.360.

5. The election judges or the election authority may require any person whose right to vote is challenged to execute an affidavit affirming his qualifications. The election authority shall furnish to the election judges a sufficient number of blank Affidavits of Qualification, and the election judges shall enter any appropriate information or comments under the title "Remarks" which shall appear at the bottom of the affidavit. All executed Affidavits of Qualification shall be returned to the election authority with the other election supplies. Any person who makes a false Affidavit of Qualification shall be guilty of a class one election offense.

11.055. Identification certificates to be initialed by judges and preserved as poll lists.—1. Upon satisfactory identification of the voter, two judges of different political parties shall initial the voter's identification certificate. All identification certificates shall be numbered consecutively by an election judge in the order received, starting with the number "1".

2. The signed identification certificates shall constitute the poll list and shall be securely fastened together in the order received.

11.060. Judge of each party to initial paper ballots or ballot cards, when.— After the voter's identification certificate has been initialed, two judges of different

political parties shall, where paper ballots or ballot cards are used, initial the voter's ballot or ballot card.

11.070. Voter to proceed to voting booth, when.—After initialing the voter's identification certificate and after completing any procedures required by section 11.060, the election judges shall allow the voter to proceed to the voting booth and vote.

11.075. Judge to mark "voted" on registration card, when.—After the voter has voted, an election judge shall mark "voted" on the voter's registration card and shall enter the date in the appropriate place on the card.

11.080. Procedure for voting paper ballot.—1. If paper ballots or ballot cards are used, the voter shall, immediately upon receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

(1) if the voter desires to vote a straight party ticket, he may place a cross (X) mark in the circle directly below the party name at the head of the column, or he may place cross (X) marks in the squares directly to the left of the names of candidates on one party ticket;

(2) if the voter desires to vote a split party ticket, he may place a cross (X) mark in the circle directly below one party name at the head of the column and cross (X) marks in the squares directly to the left of the names of candidates on other party tickets, or he may place cross (X) marks in the squares directly to the left of the names of candidates on different party tickets;

(3) if the voter desires to vote for a person whose name does not appear on the ballot, he may cross out a name which appears on the ballot for the office and write the name of the person for whom he wishes to vote above or below the crossed-out name and place a cross (X) mark in the square directly to the left of the crossed-out name. If a write-in line appears on the ballot, he may write the name of the person for whom he wishes to vote on the line and place a cross (X) mark in the square directly to the left of the name;

(4) if the ballot does not contain any party designations, the voter shall place a cross (X) mark in the squares directly to the left of the names of the candidates for whom he desires to vote;

(5) if the ballot is one which contains no candidates, the voter shall place a cross (X) mark in the square directly to the left of each "yes" or "no" he desires to vote.

(6) no voter shall vote for the same person more than once for the same office at the same election.

2. For purposes of this section, a punch or sensor mark shall be equivalent to a cross (X) mark.

3. If voting machines are used, the voter shall, immediately upon direction by the judges, go alone to a voting machine, close the curtain and vote in substantially the same manner provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot, however, the voter shall cause the designations to appear on the face of the voting machine, cast any write-in votes and register his votes as directed in the instructions for use of the machine.

4. If the voter accidentally spoils his ballot or ballot card or makes an error, he may return it to an election judge and receive another. The election judge shall mark "SPOILED" across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS". After another ballot has been prepared in the manner provided in section 11.060, the ballot shall be given to the voter for voting.

11.085. Delay by voter prohibited.—Each voter shall vote without undue delay.

11.090. Paper ballots, how marked—ballot cards, procedure for voting—voting machines, how voted.—1. Where paper ballots are used, the voter shall, before leaving the voting booth, fold his ballot so that the cross (X) marks are concealed. The voter shall place his ballot in the ballot box and leave the polling place immediately.

2. Where ballot cards with envelopes are used, the voter shall, immediately before

leaving the voting booth, place his ballot card in the ballot envelope. Where ballot cards with stubs are used, the voter shall, immediately after leaving the voting booth, hand his ballot card or envelope containing his ballot card to an election judge. The election judge shall remove the stub from the ballot card and, where ballot envelopes are used, replace the ballot card in the envelope and return the ballot card or envelope containing the ballot card to the voter. The voter shall place the ballot card or envelope containing the ballot card in the ballot box and leave the polling place immediately. Where ballot cards without stubs are used, the voter shall, immediately after leaving the voting booth, place the ballot card or ballot envelope containing the ballot card in the ballot box and leave the polling place immediately.

3. Where voting machines are used, the voter shall register his vote as directed in the instructions for use of the machine and leave the polling place immediately.

11.095. No one but voter in booth, exception.—1. Except as provided in subsections 2 and 3 of this section, no one other than the voter shall be permitted in any voting booth or permitted to be in any position where he may see how a voter is voting.

2. If any voter, after entering a voting booth, asks for further instructions concerning the manner of voting, two election judges of different political parties shall give such instructions. Such judges shall not enter the voting booth unless it is impossible to give the instructions otherwise. After giving the instructions, the judges shall leave the area and take all necessary measures to insure that the voter casts his vote in secret.

3. If any voter declares under oath to the election judges that he cannot read or write, is blind or has any other physical disability and cannot vote his ballot, he may be assisted by the election judges or by any person of his own choice other than a judge. If the voter asks for the assistance of election judges, two judges of different political parties shall go to the voting booth and cast his vote as he directs. If the voter asks for the assistance of someone other than election judges, the assistant shall go to the voting booth with the voter and cast his vote as he directs. No person, other than election judges and members of such voters' immediate families, shall assist more than one voter at one election.

12.001. Definitions.—1. As used in this chapter, unless the context clearly implies otherwise, the following terms shall mean:

(1) "Counting judges" are the two judges, one from each major political party, who read each vote received by all candidates and each vote for and against all questions at a polling place;

(2) "Receiving judges" are the two judges, one from each major political party, who initial each voter's ballot at a polling place;

(3) "Recording judges" are the two judges, one from each major political party, who tally the votes received by each candidate and for and against each question at a polling place. These terms describe functions rather than individuals, and any election judge may perform more than one function at a polling place on election day.

2. As used in this chapter, unless the context clearly implies otherwise, the following terms shall mean:

(1) "Defective ballot" is any ballot card on which the total number of write-in votes and votes cast on the ballot card for any office exceed the number allowed by law, and any ballot card which is bent or damaged so that it cannot be properly counted by automatic tabulating equipment;

(2) "Rejected ballot" is any ballot on which no votes are counted because the ballot fails to have the initials of the proper election judges, because the number of votes for all offices and on all questions exceeds the number authorized by law, because the voter is deemed by the election judges to be unqualified, because it is an absentee ballot not accompanied by a completed and signed affidavit, or because the ballot was voted with unlawful assistance;

(3) "Spoiled ballot" is any ballot accidentally spoiled by a voter and replaced by

election judges in the manner provided in subsection 4 of section 11.080.

12.005. Ballots, when and how counted.—1. As soon as the polls close in each polling place using paper ballots, the election judges shall begin to count the votes. If earlier counting is begun pursuant to section 12.010, the election judges shall complete the count in the manner provided by this section. Once begun, no count shall be adjourned or postponed until all proper votes have been counted.

2. One counting judge, closely observed by the other counting judge, shall take the ballots out of the ballot box one at a time and, holding each ballot in such a way that the other counting judge may read it, shall read the name of each candidate properly voted for and the office sought by each. As each vote is called out, the recording judges shall each record the vote on a tally sheet. The votes for and against all questions shall likewise be read and recorded. In a general election, the counting judges may separate the straight party ballots from the split party ballots and first read one and then the other. If more than one political subdivision or special district is holding an election on the same day at the same polling place and using separate ballots, the counting judges may separate the ballots of each political subdivision and special district and first read one set, then the next and so on until all proper votes have been counted.

3. After all of the proper votes on a ballot have been counted, the ballot shall be strung on a wire or string in the order read. After all the ballots have been read and strung and after the recording judges agree on the count, the wire or string shall be tied in a firm knot, and the knot shall be sealed so that it cannot be untied without breaking the seal. Rejected and spoiled ballots shall not be strung but shall be placed in separate containers marked "REJECTED" and "SPOILED".

4. After the recording of all proper votes, the recording judges shall compare their tallies. When the recording judges agree on the count, they shall sign both of the tally sheets, and one of the recording judges shall announce in a loud voice the total number of votes for each candidate and for and against each question.

5. After the announcement of the vote, the election judges shall record the vote totals in the appropriate places on each statement of returns. If any tally sheet or statement of returns contains no heading for any question, the election judges shall write the necessary headings on the tally sheet or statement of returns.

12.010. Judges may read and record votes before polls close, when—procedure to be followed.—If authorized by the election authority, the election judges may read and record votes before the close of the polls. If so authorized, the election judges shall use one ballot box for the deposit of ballots during the first hour of voting. At the end of the hour, the receiving judges shall deliver the ballot box to the counting and recording judges, who shall give the receiving judges a second empty ballot box. The second ballot box shall be shown to be empty and locked in the manner provided in section 11.035. The second ballot box shall not be opened or removed from public view from the time it is shown to be empty until the time the polls close or it is removed for counting pursuant to this section. The ballot box containing the voted ballots shall be taken to a private area within the polling place, and the ballots shall be read and recorded in the manner provided by section 12.005. In no case shall ballot boxes be switched at less than one hour intervals and then only if twenty-five or more ballots have been voted during the hour.

12.015. Procedure for counting votes for candidates.—Election judges shall count votes for all candidates in the following manner:

(1) if a cross (X) mark appears in the circle immediately below a party name at the head of a column, each candidate of the party shall be counted as voted for. If a cross (X) mark appears in the circle immediately below more than one party name, no candidate shall be counted as voted for. If a cross (X) mark appears in the circle immediately below a party name at the head of a column, and a cross (X) mark appears in the square next to the name of any candidate in another column, each candidate of the party whose circle is

marked shall be counted as voted for, except where a cross (X) mark appears in the square preceding the name of any candidate in another column. Except as provided in subsection 2 of this section, each candidate with a cross (X) mark in the square preceding his name shall be counted as voted for.

(2) if no cross (X) mark appears in the circle immediately below any party name, but a cross (X) mark does appear in the square next to any candidate's name, the name of each candidate next to which a cross (X) mark appears shall be counted as voted for, and no other name shall be counted as voted for. If cross (X) marks appear next to the names of more candidates for an office than are entitled to fill the office, no candidate for the office shall be counted as voted for. If more than one candidate is to be nominated or elected to an office, and any voter has voted for the same candidate more than once for the same office at the same election, no votes cast by the voter for the candidate shall be counted.

(3) no vote shall be counted for any candidate that is not marked substantially in accordance with the provisions of this section. The judges shall count votes marked substantially in accordance with this section when the intent of the voter seems clear. No ballot containing any proper votes shall be rejected for containing fewer marks than are authorized by law.

12.020. Procedure for counting votes on questions.—Election judges shall count votes on each question in the following manner:

(1) if a cross (X) mark appears in the square immediately beside or below the "YES", the question shall be counted as voted for. If a cross (X) mark appears in the square immediately beside or below the "NO", the question shall be counted as voted against.

(2) if a cross (X) mark appears in the square immediately beside or below the "YES" and in the square immediately beside or below the "NO", the question shall neither be counted as voted for or as voted against.

12.025. Uninitialed ballots rejected, exception.—If a ballot appears without the initials of two election judges, the ballot shall be rejected, except when it appears the absence of initials is due to a mistake of the election judges and that the ballot is otherwise legal and proper.

12.030. Duties of judges after polls close (paper ballots).—At each polling place using paper ballots, after the polling place is closed, the election judges shall

(1) certify in the tally book the number of ballots cast, the number of identification certificates signed, the number of rejected and spoiled ballots and the number of ballots received at the polling place which were not cast at the election. If the number of signed identification certificates is not the same as the number of ballots cast, the judges shall make a signed statement of the fact and the reasons therefor if known and shall return the statement with the statements of returns;

(2) certify on two statements of returns the number of votes received by each candidate and for and against each question. No returns shall be signed in blank or before the polls have closed and all proper votes cast at the polling place have been counted;

(3) certify that each statement made in the tally book and on each statement of returns is correct. If any judge declines to certify that all such statements are correct, he shall state his reasons in writing, which shall be attached to each statement of returns and returned with the statement to the election authority.

12.035. Tally book, form of—tally sheet, form of—statements of returns, form of (paper ballots).—1. The tally book for each polling place using paper ballots shall be in substantially the following form:

Tally book for precincts, at the general (special, primary) election held on the day of 19 . . . AB, CD, EF, and XP judges, and ZR and LT, watchers and BH and SP challengers at this polling place, were sworn as the law directs before beginning their duties.

We hereby certify:

The number of ballots received at this polling place is ;

The information on the official ballots received at this polling place is the same as the information on the sample ballots received at this polling place.

AB

CD Election Judges

EF

XP

We hereby certify:

The number of ballots cast at this polling place is ;

The number of identification certificates signed at this polling place is ;

The number of rejected ballots at this polling place is ;

The number of spoiled ballots at this polling place is ;

The number of ballots received at this polling place which were not cast at this election is ;

AB

CD

EF

XP

2. At each polling place using paper ballots, two tally sheets shall be included in each tally book. The tally sheets shall be in substantially the following form:

NAMES OF PERSONS VOTED FOR AND FOR WHAT
OFFICE AND THE NUMBER OF VOTES CAST
FOR EACH PERSON

Office	Candidates	Tally of Votes	Total Votes
--------	------------	----------------	----------------

Governor	MC						
	HK						
	EH						
Representative in Congress	SS RK CB						

VOTES FOR AND AGAINST EACH QUESTION

Question	Tally of votes FOR			Tally of votes AGAINST			Total of votes FOR	Total of votes AGAINST
1. To.....								
2. To.....								

.....
Signature of Recording
Judge

.....
Signature of Recording
Judge
(of different political party)

3. At each polling place using paper ballots, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the following form:

We hereby certify that MC had votes for governor, and HK had votes for governor and EH had votes for governor; that SS had votes for representative in congress, etc.

We hereby certify that proposition number 1 received votes for and votes against; constitutional amendment number 1 received votes for and votes against, etc.

We, the duly qualified and acting Judges of the polling place for precincts, at the general (special, primary) election held on the day of, 19 in county (City of St. Louis, Kansas City), Missouri do hereby certify that the foregoing is a full and accurate return of all votes cast at this polling place for all candidates and for and against all questions.

AB
CD Election Judges
EF
XP

12.040. Procedure after statements of returns signed (paper ballots).—Immediately after signing the statements of returns, the election judges shall enclose the voted ballots, tally books, tally sheets, statements of returns and other election supplies in containers designated by the election authority.

12.045. Procedure for returning voted ballots (paper ballots).—1. If the election authority directs the voted ballots to be returned in a ballot box, the box shall be locked and the key removed. Each election judge shall write his name on a strip of paper which shall be pasted over the key hole of the ballot box and extended over the upper lid

of the box and over the top for some distance. The strip shall be pasted in such a manner that the signatures extend across the keyhole and place of opening so that if the box is opened or the key inserted in the keyhole, the paper will be torn and the signatures destroyed. The paper shall be fastened with an adhesive material which will not permit removal of the strip without defacing it.

2. If the election authority directs the voted ballots to be returned in an envelope or other container, the container shall be sealed. Each election judge shall write his name on a strip of paper which shall be pasted over the opening of the container. The strip shall be pasted in such a manner that the signatures extend across the place of opening so that if the container is opened, the paper will be torn and the signatures destroyed. The paper shall be fastened with an adhesive material which will not permit removal of the strip without defacing it.

3. On the outside of the ballot box or other container in which the ballots are returned, the location of the polling place and the date of the election shall be printed.

12.050. Duties of judges after polls close (electronic voting).—1. As soon as the polls close in each polling place using an electronic voting system, the election judges shall secure the marking devices against further voting and begin to count the write-in votes. If earlier counting of write-in votes is begun pursuant to section 12.053, the election judges shall complete the count in the manner provided in this section. Once begun, the count shall not be adjourned or postponed until all proper write-in votes in the ballot box have been counted.

2. The election judges shall remove the ballot cards from the ballot box and separate the ballots with write-in votes from those without write-in votes. If there is a separate form for write-in votes, all forms on which write-in votes have been recorded shall be consecutively numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. The election judges shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes including write-in votes for any office exceeds the number allowed by law, or if a voter has voted more than once for the same person for the same office at the same election, a notation of the fact shall be noted on the back of the ballot card, and it shall be returned with the write-in form, if any, to the counting location in an envelope marked "DEFECTIVE BALLOTS".

3. All proper write-in votes shall be read, recorded and counted as provided in sections 12.005 and 12.015. No write-in vote shall be counted for any candidate for any office whose name appears on the ballot label as a candidate for the office, except when more than one person is to be nominated or elected to an office. When more than one person is to be nominated or elected to an office, the voter may write-in the names of one or more persons whose names do not appear on the ballot label with or without the names of one or more persons whose names do appear.

4. If any ballot card is damaged so that it cannot properly be counted by the automatic tabulating equipment, the fact shall be noted on the back of the ballot card and it shall be returned to the counting location in the envelope marked "DEFECTIVE BALLOTS".

12.053. Write-in votes, when counted—procedure to follow.—1. If authorized by the election authority, the election judges at any polling place using an electronic voting system may read and record write-in votes before the close of the polls. If so authorized, the election judges shall use one ballot box for the deposit of ballots during the first five hours of voting. Between eleven o'clock in the morning and twelve noon, the receiving judges shall deliver the ballot box to the counting and recording judges, who shall give the receiving judges a second empty ballot box. The second ballot box shall be shown to be empty and locked in the manner provided in section 11.035. The second ballot box shall not be opened or removed from public view from the time it is shown to be empty until the time the polls close. The ballot box containing the voted ballots shall be taken to a private area within the polling place, and the write-in votes

shall be read and recorded in the manner provided in section 12.050.

2. If early counting of write-in votes is begun pursuant to this section, the election judges shall, after counting and recording all proper write-in votes, separate all ballot cards, except defective ballot cards, from the write-in forms if any. The election judges shall enclose the ballot cards, the envelope marked "DEFECTIVE BALLOTS", and all write-in forms containing proper votes, in a container designated by the election authority. The container shall be securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair. On the outside of the container, the location of the polling place and the date of the election shall be printed. After sealing, the container shall be closely watched by the election judges until it is delivered to the counting location.

3. If early counting of write-in votes is begun pursuant to this section, the election authority shall appoint a team of employees or election judges who shall, between the hours of eleven o'clock in the morning and three o'clock in the afternoon, receive the ballot container from the election judges at the polling place and immediately deliver it to the counting location. Each team appointed pursuant to this subsection shall consist of two members, one from each major political party. If any ballot container is not sealed when it is delivered to the counting location, the election official receiving the container shall make a statement of the fact which includes the location of the polling place and the date of the election printed on the container and the reason the container is not sealed, if known.

4. After delivery to the counting location, any ballot which is damaged and cannot be properly counted by the automatic tabulating equipment may be handcounted or duplicated in the manner provided in subsection 3 of section 12.070.

5. After delivery to the counting location, the proper votes on each ballot card may be transferred to magnetic tapes. Under no circumstances shall any such tape be read or interpreted until after the time fixed by law for the close of the polls and then only in the manner provided in section 12.070.

12.055. Certification of tally book and statements of returns as to write-in votes (electronic voting).—At each polling place using an electronic voting system, after the polling place is closed, the election judges shall

(1) certify in the tally book the number of ballots cast, the number of identification certificates signed, the number of defective and spoiled ballots, the number of ballots with write-in votes, and the number of ballots received at the polling place which were not cast at the election. If the number of signed identification certificates is not the same as the number of ballots cast, the judges shall make a signed statement of the fact and the reasons therefor if known and shall return the statement with the statements of returns.

(2) certify on two statements of returns the number of write-in votes received by each candidate. No returns shall be signed in blank or before the polls have closed and all proper write-in votes cast at the polling place have been counted.

(3) certify that each statement made in the tally book and on each statement of returns is correct. If any judge declines to certify that all such statements are correct, he shall state his reasons in writing, which shall be attached to each statement of returns and returned with the statement to the election authority.

12.060. Tally book, form of (electronic voting).—1. The tally book for each polling place using an electronic voting system shall be in substantially the following form:

Tally book for precincts, at the general (special, primary) election held on the day of , 19 AB, CD, EF, and XP judges, and ZR and LT, watchers and BH and SP challengers at this polling place, were sworn as the law directs before beginning their duties.

We hereby certify:

The number of ballots received at this polling place is ;

The information on the ballot cards and ballot labels received at this polling place is the same as the information on the sample ballots received at this polling place.

AB

CD Election Judges

EF

XP

We hereby certify:

The number of ballots cast at this polling place is ;

The number of identification certificates signed at this polling place is ;

The number of defective ballots at this polling place is ;

The number of spoiled ballots at this polling place is ;

The number of voters casting proper write-in votes at this polling place is ;

The number of ballots received at this polling place which were not cast at this election is ;

AB

CD Election Judges

EF

XP

2. At each polling place using an electronic voting system, two tally sheets shall be included in each tally book. The tally sheet shall be used to record the proper write-in votes and shall be in substantially the same form provided in subsection 2 of section 12.035.

3. At each polling place using an electronic voting system, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the following form:

We hereby certify that BK had write-in votes for governor, and SF had write-in votes for governor; that JH had write-in votes for representative in Congress, etc.

We, the duly qualified and acting judges of the polling place for precincts, at the general (special, primary) election held on the day of 19. in county (City of St. Louis, Kansas City), Missouri do hereby certify that the foregoing is a full and accurate return of all write-in votes cast at this polling place for all candidates.

AB

CD Election Judges

EF

XP

12.065. Return of ballot cards, tally books and statements of returns, procedure for (electronic voting).—1. Immediately after signing the statements of returns, or earlier if convenient, the election judges shall separate all ballot cards, except defective ballot cards, from the write-in forms if any. As soon as possible after signing the statements of returns, the election judges shall enclose the ballot cards, the envelope marked "DEFECTIVE BALLOTS", all write-in forms containing proper votes, and the tally book, tally sheets and statements of returns in a container designated by the election authority. The container shall be securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair. On the outside of the container, the location of the polling place and date of the election shall be printed.

2. As soon as possible after signing the statements of returns, the election judges shall enclose the write-in forms containing no votes, the unused ballots and other election supplies in containers designated by the election authority.

3. Immediately after the ballot cards and other election materials have been placed in the proper containers, the two supervisory judges shall together deliver the containers to the counting location or other place designated by the election authority. If any ballot card container is not sealed when it is delivered to the counting

location or other place designated by the election authority, the election official receiving the container shall make a statement of the fact which includes the location of the polling place and the date of the election printed on the container and the reason the container is not sealed, if known.

4. If the election authority has directed the supervisory judges to deliver election materials to a place other than the counting location, the election authority shall appoint at least one team of election judges who shall receive the ballot containers from the supervisory judges and immediately deliver them to the counting location. Each team appointed pursuant to this subsection shall consist of two election judges or employees of the election authority, one from each major political party.

12.070. Ballot cards, procedure for counting (electronic voting).—1. In each jurisdiction using an electronic voting system, all proceedings at the counting location shall be under the direction of the election authority. The election authority shall appoint two judges, one from each major political party, to be present and observe the count. The counting shall be open to the public, but no persons, except those employed and authorized for the purpose shall touch any ballot, ballot container or return.

2. All ballot cards shall be counted in order by polling place. The automatic tabulating equipment shall produce a return showing the total number of votes cast for each candidate and on each question at each polling place and in the jurisdiction as a whole.

3. If any ballot is damaged and cannot be properly counted by the automatic tabulating equipment, it may be handcounted in the manner provided for absentee ballots, or a true duplicate copy may be made of the defective ballot. If any ballot contains a number of votes and write-in votes for any office which exceeds the number allowed by law, it may be handcounted in the manner provided for absentee ballots, or a true duplicate copy be made which does not include the invalid votes. The duplication of each ballot shall be closely observed by two election judges or employees of the election authority, one from each major political party. Each duplicate ballot shall be clearly labeled "duplicate", shall bear a serial number which shall be recorded on the defective ballot, and shall be counted in lieu of the defective ballot.

12.075. Tabulating equipment to be tested, when (electronic voting).—In each jurisdiction using an electronic voting system, the election authority shall, immediately after the count has been completed and the results received, have the automatic tabulating equipment tested to ascertain that the equipment has correctly counted the votes for all offices and on all questions. The test shall be observed by at least two persons designated by the election authority, one from each major political party, and shall be open to the public. The test shall be conducted by processing the same preaudited group of ballot cards used in the pre-election test provided for in section 8.030. If any error is detected, the cause shall be ascertained and corrected, and an errorless count shall be made before the final results are announced. After the completion of an errorless count, the programs and the ballot cards shall be sealed, retained and disposed of as provided for paper ballots.

12.080. Official return of polling place, contents of (electronic voting).—The final and correct return printed by the automatic tabulating equipment added to the write-in, absentee and handcounted votes shall be the official return of each polling place and the jurisdiction.

12.085. Duties of judge after polls close (voting machines).—1. As soon as the polls close in each polling place using voting machines, the election judges shall lock and seal each voting machine against further voting and proceed to count the votes. Once begun, the count shall not be adjourned or postponed until all proper votes have been counted.

2. The election judges shall open the counting compartment on each voting

machine or, if a machine is equipped with a device for printing, embossing or photographing the registering counters, the judges shall operate the machine to produce a record of the counters. One counting judge shall read the total vote cast for each candidate and for and against each question on each machine. The other counting judge shall watch and verify each total as it is being read from the recording counters or from the record of the counters. The two recording judges shall each record the votes cast for each candidate and for and against each question as they are called out and verified by the counting judges.

3. All proper write-in votes shall be read, recorded and counted as provided in sections 12.005 and 12.015. No write-in vote shall be counted for any candidate for any office whose name appears on the ballot label as a candidate for the office, except when more than one person is to be nominated or elected to an office. When more than one person is to be nominated or elected to an office, the voter may write-in the names of one or more persons whose names do not appear on the ballot label with or without the names of one or more persons whose names do appear. No write-in vote shall be counted unless it is cast in the appropriate place on the machine.

4. If more than one voting machine is used in a polling place, the election judges shall read, verify and record all the totals from the first machine before proceeding to the second, and so on, until all of the totals on each machine in the polling place have been read, verified and recorded. The total number of votes from each machine shall be added to the write-in votes to determine the total vote for each candidate and for and against each question.

12.090. Certification of tally book and statements of returns (voting machines).—At each polling place using voting machines, after the polling place is closed, the judges shall

(1) certify in the tally book the number on the protective counter of each machine, the number of identification certificates signed and the number of proper write-in votes cast at the polling place. If the number of signed identification certificates is not the same as the number of votes cast as registered on the protective counters, the judges shall make a signed statement of the fact and the reasons therefor if known and shall return the statement with the statements of returns:

(2) certify on two statements of returns the total number of votes cast for each candidate and for and against each question at the polling place;

(3) certify that each statement made in the tally book and on each statement of returns is correct. If any judge declines to certify that all such statements are correct, he shall state his reasons in writing, which shall be attached to each statement of returns and returned to the election authority.

12.095. Tally book, form of—tally sheet, form of (voting machines).—1. The tally book for each polling place using voting machines shall be in substantially the following form:

Tally book for precincts, at the general (special, primary) election held on the day of 19.... AB, CD, EF, and XP judges, and ZR and LT, watchers and BH and SP challengers at this polling place, were sworn as the law directs before beginning their duties.

We hereby certify:

This polling place received voting machines numbered and

The number on the seal of voting machine number is

the number on its protective counter is

The number on the seal of voting machine number is

the number on its protective counter is

All recording counters on all voting machines received at this polling place are set at zero:

The information on the ballot labels on all voting machines received at this polling place

is the same as the information on the sample ballots received at this polling place.

AB

CD

EF Election Judges

XP

We hereby certify:

The number on the protective counter of voting machine number is

The number on the protective counter of voting machine number is

The number of identification certificates signed at this polling place is

The number of proper write-in votes cast at this polling place is

AB

CD

EF

XP

2. At each polling place using voting machines, two tally sheets shall be included in each tally book. The tally sheets shall be used to record the votes cast for each candidate and for and against each question as they are called out and verified by the counting judges. The tally sheets shall be in substantially the following form:

**NAMES OF PERSONS VOTED FOR AND FOR
WHAT OFFICE AND THE NUMBER OF
VOTES CAST FOR EACH PERSON**

Office	Candidates	Voting Machine Number	Voting Machine Number	Write-in Votes	Total Votes
--------	------------	--------------------------------	--------------------------------	-------------------	----------------

Governor	MC				
	HK				
	EH				
Representative in Congress	SS				
	RK				
	CB				

VOTES FOR AND AGAINST EACH QUESTION

Question	Voting Machine Number	Voting Machine Number	Total Number of	Total Number of
	Votes	Votes	Votes	Votes

FOR AGAINST FOR AGAINST FOR AGAINST

1. To						
.....						
.....						
2. To						
.....						
.....						

3. At each polling place using voting machines, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the form provided in subsection 3 of section 12.035.

12.100. Statements of returns, tally book, write-in votes and election supplies, how returned to election authority (voting machines).—1. Immediately after signing the statements of returns, the election judges shall enclose the write-in votes, tally books, statements of returns and other election supplies in containers designated by the election authority.

2. In each jurisdiction using voting machines, the election authority may direct the supervisory judges to place the precinct registers, identification certificates and other election supplies inside the voting machines and lock them for return to the election authority.

12.105. Supervisory judges to return ballots and supplies to election authority, when.—1. Except as otherwise expressly provided in this chapter, the two supervisory judges, one from each major political party, shall return the voted ballots, the ballots marked "REJECTED", "SPOILED" and "DEFECTIVE", the tally sheets, tally books and statements of returns, the registration records and other election supplies from each polling place to the election authority as soon as possible, but in no case later than two hours after the signing of the returns at the polling place. The election authority shall keep its office open until all ballots, returns and other election materials have been received. If any voted ballot container is not sealed, the election authority shall make a written statement of the facts which includes the location of the polling place and date of the election printed on the container and the reason the container is not sealed, if known.

2. If the election authority directs the voted ballots to be returned in a ballot box, one supervisory judge shall return the ballot box, one set of tally sheets and one statement of returns. The other supervisory judge shall return the keys to the ballot box, the tally book, the other set of tally sheets and the other statement of returns. If the election authority directs the voted ballots or write-in votes to be returned in sacks or other containers, one supervisory judge shall return the containers of voted ballots, one set of tally sheets and one statement of returns. The other supervisory judge shall return the other set of tally sheets and the other statement of returns.

12.110. Ballots and records to be kept one year, may be inspected, when.—The election authority shall keep all voted ballots, ballot cards and write-in forms, and all applications, statements, certificates, affidavits and computer programs relating to each election for twelve months after the date of the election. During the time that voted ballots, ballot cards and write-in forms are kept by the election authority, it shall not open or inspect them or allow anyone else to do so, except upon order of a legislative body

trying an election contest, a court or a grand jury. After twelve months, the ballots, ballot cards, write-in forms, applications, statements, certificates, affidavits and computer programs relating to each election may be destroyed. If an election contest, grand jury investigation or civil or criminal case relating to the election is pending at the time, however, the materials shall not be destroyed until the contest, investigation or case is finally determined.

12.115. Voting machine to be kept locked—machine unlocked, when.—After being locked and sealed against further voting by the election judges, voting machines shall remain locked for the period provided by law for filing an election contest and as much longer as may be necessary or advisable because of any threatened or pending contest, grand jury investigation, or civil or criminal case relating to the election. During this time, the voting machines shall not be unlocked, except upon order of a court, grand jury or legislative body trying an election contest.

12.300. Verification board to convene, when.—As soon as practicable after each election, the election authority shall convene a verification board to verify the count and certify the results of the election.

12.305. Verification board, how constituted.—1. Where the election authority is a board of election commissioners, the board of election commissioners shall be the verification board.

2. Where the election authority is a county clerk, the county clerk and two verification judges, one from each major political party, shall be the verification board. The verification judges shall possess the same qualifications as election judges. Not later than the second Tuesday preceding an election, the county committee of each major political party in the jurisdiction of the election authority shall submit to the election authority a list containing the names of at least two persons qualified to serve on the verification board. Not later than the first Tuesday preceding the election, the election authority shall appoint one person from each of the lists to serve on the verification board. If either county committee fails to present the prescribed number of names of qualified persons by the time prescribed, the election authority shall select and appoint a member of the verification board from the party.

12.310. Verification board, duties of—meetings, when.—As soon as possible after an election in which paper ballots or ballot cards are used, the verification board shall meet and check the addition and figures on all tally sheets and statements of returns and shall compare its record with the returns made by the election judges and the election authority on the day of the election. Before meeting, the verification board shall give notice of the time and place of the meeting to each independent and new party candidate and the chairman of the county committee of each political party named on the ballot at the election. The meeting and proceedings of the verification board shall be open to a representative of each independent candidate and political party named on the ballot. If there is a discrepancy between the returns of the election judges and the election authority and the record of the verification board, the verification board shall correct the returns made by the judges and election authority to conform to its record. The corrected returns shall supersede the returns made by the election judges and the election authority on election day. Both the record and the returns shall be retained by the election authority as provided in section 12.110.

12.315. Verification board to inspect or cause inspection of voting machines.—1. As soon as possible after an election in which voting machines are used, the verification board, or a bipartisan committee appointed by the verification board, shall inspect each voting machine used at the election and shall make a record of the number on the seal and protective counter of each machine, open the counter compartment of the machine and, without unlocking the machine against voting, record the votes cast on the machine. If a machine is equipped with a device for printing,

embossing or photographing the recording counters, the verification board or committee shall operate the device to make a record of the count. Before making its inspection, the verification board or committee shall give notice of the time and place of the inspection to the custodians of the voting machines and to each independent and new party candidate and the chairman of the county committee of each political party named on the ballot at the election. The inspection shall be open to a representative of each independent candidate and political party named on the ballot. Any bipartisan committee appointed pursuant to this subsection shall consist of at least two people, one from each major political party, who shall be appointed in the same manner and possess the same qualifications as election judges.

2. After the verification board or committee has completed its inspection and record, it shall compare the record with the returns made by the election judges on election day. If there is a discrepancy between the returns of the election judges and the record of the verification board or committee, the verification board shall correct the returns made by the judges to conform to its record. The corrected returns shall supersede the returns made by the election judges on election day. Both the record and the returns shall be retained by the election authority as provided in section 12.110.

12.320. Corrected returns prima facie evidence in election contests.—In case of an election contest, the corrected returns of the verification board shall be prima facie evidence of the vote at the election to the same extent and in the same manner as are the returns of the election judges and election authority on election day.

12.325. Announcement of results by verification board, when due—abstract of votes to be official returns.—1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. Not later than the third Thursday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer or state auditor, or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of Article V, Section 29 of the state constitution appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of (City of St. Louis, Kansas City) on the day of 19, for the offices of, etc.

12.330. Messenger to be sent for abstract of votes, when.—If the secretary of state fails to receive any abstract for one mail after it is due, he shall dispatch a messenger to the county not returned, with the direction to deliver the abstract, unless circumstances clearly justify a longer delay, which in no case shall exceed thirty days.

12.335. Board of State Canvassers to convene, when—Secretary of State to announce results, when.—1. The secretary of state shall convene the board of state canvassers to total the abstracts of each primary election and the board shall, not later than two weeks after receiving all required abstracts from the primary election, issue a statement announcing the results of the primary election for federal officers, governor,

lieutenant governor, state senators and representatives, judges of the circuit courts, secretary of state, attorney general, state treasurer and state auditor.

2. The secretary of state shall convene the board of state canvassers to total the abstracts of each general election and the board shall, not later than the fourth Tuesday in December following the general election, issue a statement announcing the results of the general election for federal officers, governor, lieutenant governor, state senators and representatives, judges of the circuit courts, judges subject to the provisions of Article V, Section 29 of the state constitution, secretary of state, attorney general, state treasurer and state auditor.

3. The secretary of state shall convene the board of state canvassers to total the abstracts of each special election at which the name of a candidate for nomination or election to the office of United States senator, representative in congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court not subject to the provisions of Article V, Section 29 of the state constitution, secretary of state, attorney general, state treasurer or state auditor, or at which an initiative, referendum or constitutional amendment appears on the ballot, and the board shall, not later than two weeks after receiving all required abstracts from the election, issue a statement announcing the results of the election for such office or on such question.

12.340. Evidence of fraud or violation of law discovered by verification board to be reported.—If any verification board, bipartisan committee, election authority or the secretary of state obtains evidence of fraud or any violation of law during a verification, it shall present such evidence immediately to the proper authorities.

12.345. Tie vote in primary election, procedure to be followed.—1. If two or more persons receive an equal number of votes for nomination as a party's candidate for any federal office, governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, circuit judge not subject to the provisions of Article V, Section 29 of the state constitution, state senator or state representative, and a higher number of votes than any other candidate for the same office on the same party ballot, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the governor to each election authority responsible for conducting the special primary election. In his proclamation, the governor shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

2. If two or more persons receive an equal number of votes for nomination as a party's candidate for any other office, except party committeeman or committeewoman, and a higher number of votes than any other candidate for the same office on the same party ballot, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the officer to each election authority responsible for conducting the special primary election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

12.350. Tie vote in general election, procedure to be followed.—1. If two or more persons receive an equal number of votes for election to the office of governor,

lieutenant governor, secretary of state, state auditor, state treasurer or attorney general and a higher number of votes than any other candidate for the same office, the secretary of state shall, immediately after the results of the election have been announced, issue a proclamation stating the fact, and the general assembly shall, by joint vote and without delay at its next regular session, choose one of such persons for the office. The speaker of the house shall file a certificate declaring which person has been elected to the office with the secretary of state.

2. If two or more persons receive an equal number of votes for election to federal office, state senator, state representative or circuit judge not subject to the provisions of Article V, Section 29 of the state constitution, and a higher number of votes than any other candidate for the same office, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the governor to each election authority responsible for conducting the special election. In his proclamation, the governor shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

3. If two or more persons receive an equal number of votes for nomination or election to any office not otherwise provided for in section 12.345 or 12.350, and a higher number of votes than any other candidate for nomination or election to the same office, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the officer to each election authority responsible for conducting the special election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

12.360. Runoff election between tied candidates only.—Only the names of those persons who have received an equal number of votes for nomination to an office at party primary and a higher number of votes than any other candidate for the same office on the same party ballot shall appear on the special primary election ballot. Only the names of those persons who have received an equal number of votes for nomination or election to an office at any other election, and a higher number of votes than any other candidate for the same office at the same election shall appear on the special election ballot.

12.365. Notice of runoff election published, when.—Except as provided in subsection 2 of section 2.020, each election authority receiving a proclamation ordering a special election to decide a tie vote shall cause legal notice of the election to be published once in the fourteen days prior to the election. The notice shall be published in a newspaper of general circulation in the election authority's jurisdiction and shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. The election authority may provide any additional notice of the election it deems desirable.

12.370. Certificate of nomination to issue, when—certificate of election to issue, when.—1. As soon as possible after each primary election, each person nominated for an office at the primary election shall be issued a certificate of nomination.

2. As soon as possible after each other election, each person elected to an office at the election shall be issued a certificate of election.

3. The certificate shall be issued to each person nominated or elected by the officer responsible for accepting such person's declaration of candidacy.

12.375. Each house of General Assembly to receive list of its newly elected members, when.—Within two days after the first meeting of each general assembly, the secretary of state shall lay before each house a list of its elected members, consistent with the abstracts in his office.

13.001. Challenge of nomination at primary, who may make.—Any candidate for nomination to an office at a primary election may challenge the correctness of the returns for the nomination charging that irregularities occurred in the election.

13.005. Circuit court to hear primary election contests.—Circuit Courts shall have jurisdiction to hear and determine all primary election contests.

13.010. Petition to contest primary election, contents of.—1. Not later than five days after the official announcement of the results of a primary election is issued by the election authority or the secretary of state, as the case may be, any candidate desiring to contest the primary election shall file a verified petition in the office of the clerk of the circuit court of any circuit in which part of the election was held and in which any alleged irregularity occurred. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points, and shall pray leave to produce his proof. The judge of the court shall immediately note on the petition the date it was filed and shall immediately set a date, not later than five days after the petition is filed, for a preliminary hearing. If the petition is filed in vacation, the judge of the circuit court shall immediately convene the court in special session for the purpose of hearing the contest. If no regular judge of the court is available the supreme court shall immediately assign another judge. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

13.015. Procedure after petition filed.—1. Immediately after a petition is filed, the clerk of the circuit court shall issue a summons upon the petition to the contestee, returnable by the day designated by the circuit court to the circuit court. The summons shall be served in any county of the state in the same manner provided for service of process in civil actions. If the contestee cannot be found within two days, the summons shall be served by leaving the summons and a copy of the petition at the residence address shown on the contestee's declaration of candidacy and by posting the summons in a conspicuous place in the office of the clerk of the circuit court.

2. Immediately after the petition is filed, the clerk of the circuit court shall send by certified or registered mail a certified copy of the petition to the officer responsible for issuing the statement announcing the results of the contested election and to each election authority responsible for conducting the election in any area where an alleged irregularity occurred. All officers and election authorities so notified shall immediately suspend all action on the office until the contest has been determined.

3. Not later than four days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his nomination should not be contested. If the contestee wishes to contest the validity of any votes given to the contestant, he shall set forth in his answer, the votes he wishes to contest, and the facts he will prove in support of such contest and shall pray leave to produce his proof.

13.020. Election contest to have preference in order of hearing.—The contested election shall have preference in the order of hearing to all other cases and shall be commenced at the date set and heard day to day, including evenings and weekends if necessary, until determined. There shall be no continuances except by consent, so that the case may be concluded prior to the general election.

13.025. Hearing on necessity for recount, when.—Not later than five days after the petition is filed, a preliminary hearing shall be held to determine whether

there shall be a recount and not to determine what the recount would show. The court shall hear all evidence by the contestant and contestee bearing on the alleged irregularities.

13.030. Court to order recount of votes, when.—If the court finds there is a prima facie showing of irregularities which place the result of the primary election in doubt, the court shall order a recount of all votes brought in question by the petition or its answer. Where the issue is drawn over the validity of certain votes cast, a prima facie case is made if the validity of a number of votes equal to or greater than the margin of defeat is placed in doubt. The court may order a recount of all votes brought in question by the petition or its answer at any time if it finds that the primary election result is placed in doubt. All materials and records relating to the contested election may be subpoenaed and all information contained therein shall be subject to the rules of discovery in civil cases. During a recount, the court may hear additional evidence offered by any party bearing on any issue relating to the contested election.

13.035. Recount, how conducted.—1. Whenever a recount is ordered pursuant to section 13.030 or 13.450, the court shall order all materials and records relating to the contest brought before it, so that the court has the same materials and records as the election judges had while making the count and statements of returns. The court shall have authority to pass upon the form and determine the legality of the votes brought into question and to determine the qualifications of any voter whose vote is brought into question, provided that the name of a voter upon a precinct register for the polling place shall be prima facie evidence of the proper qualifications of the voter. A comparison may be made between the signatures on the identification certificates and those which appear in the precinct registers, and no votes shall be counted except the votes of registered voters and those entitled to vote as provided in section 9.005 without being registered. No votes of any person found by the court to be unqualified to vote at the primary election shall be counted.

2. Whenever a recount of votes cast on paper ballots is ordered pursuant to section 13.030 or 13.450, the court shall proceed to open and count the votes and, after the count has been completed, shall tabulate by voting district the votes cast for the contestant and the contestee.

3. Whenever a recount of votes cast on any voting machine is ordered pursuant to section 13.030 or 13.450, the court shall make visible the registering counters of the machine and, without unlocking the machine against voting, shall record the votes cast on the machine.

4. Whenever a recount of votes cast on ballot cards is ordered pursuant to section 13.030 or 13.450, the court shall supervise a test of the automatic tabulating equipment conducted in the manner provided in section 8.030 and shall cause the votes to be recounted automatically or may order a hand-count of the votes. In its discretion, the court may order a new computer program to be made, which shall be tested in the manner provided in section 8.030 before the votes in question are recounted automatically.

13.040. Court to appoint persons making recount—persons authorized to be present during recount.—Whenever a recount is ordered pursuant to section 13.030 or 13.450, the court shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted to the court by the contestant and the contestee. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where he is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the court report, the contestant and the contestee shall be permitted to be present in person or represented by an attorney at the recount and to observe the recount. Each recount shall be completed under the supervision of the court, and the

persons appointed to assist with the recount shall perform such duties as the court shall direct. Upon completion of any duties prescribed by the court, the persons appointed to assist with the recount shall make a written and signed report of their findings to the court. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be a witness to contradict the findings. No one other than the election authority, representatives of the court, the contestant and contestee, their attorneys, and those specifically appointed by the court to assist with the recount shall be present during any recount ordered pursuant to the provisions of section 13.030 or 13.450.

13.045. Court to render judgment, when—effect of judgment.—Upon completion of the procedures provided for in this chapter, the court shall render its judgment based upon the issues of law and fact and cause a certified copy of its judgment to be transmitted to each affected election authority and to the secretary of state. Each election authority to which a copy of the judgment is sent and the secretary of state shall correct their records to conform to the judgment.

13.050. Contestant to post bond, when.—In each case of a contested primary election, the court may require the contestant to post bond for the costs of the election contest. The costs of any election contest, including the cost of a recount, may be adjudged against the unsuccessful party with the payment of the costs enforceable as in civil cases.

13.055. New primary election may be ordered, when.—If any court trying a contested primary election determines there were irregularities of sufficient magnitude to cast doubt on the validity of the initial election, it may order a new primary election for the contested office. The order shall set the date of the election, which shall not be less than fourteen or more than thirty days after the order is issued, and shall be sent by the clerk of the court to each election authority responsible for conducting the special election. In its order, the court shall specify the name of each candidate for the office to be voted on at the special election, and the election shall be conducted and the votes counted as in other primary elections. Notice of the election shall be given in such manner as the court directs. The person receiving the highest number of votes at a special party primary election shall be his party's nominee for the contested office. The requisite number of persons receiving the highest number of votes at any other special primary election shall be the nominees for the office.

13.060. Appeal, how taken.—Either party to the contest may appeal the judgment of the circuit court to the court of appeals of the appropriate jurisdiction, who shall give the case preference in the order of hearing to all other cases, modify its rules to the extent necessary in order to conclude the appeal as many days prior to the general election as possible and hear the case in the manner of appeals of cases in equity. The practice and procedure prescribed in civil actions shall be followed in all respects not inconsistent with the provisions of sections 13.001 to 13.060. In every case of such appeal, a bond with sufficient sureties conditioned for the payment of the costs accrued and to accrue in the cause may be required by any court in which the case is pending.

13.100. Candidate may challenge returns—registered voter of area may contest result.—1. Any candidate for election to any office may challenge the correctness of the returns for the office, charging that irregularities occurred in the election.

2. The result of any election on any question may be contested by one or more registered voters from the area in which the election was held. The petitioning voter or voters shall be considered the contestant and the officer or election authority responsible for issuing the statement setting forth the result of the election shall be considered the contestee. In any such contest, the proponents and opponents of the ballot question shall have the right to engage counsel to represent and act for them in all matters involved in and pertaining to the contest.

13.105. Contest of state office election to be heard by Supreme Court.—All contested elections for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer and state auditor shall be heard and determined by the supreme court. Likewise, all contests to the results of elections on constitutional amendments, on state statutes submitted or referred to the voters, and on questions relating to the retention of judges subject to Article V, Section 29 of the state constitution shall be heard and determined by the supreme court.

13.110. Election contest to be filed, when.—Not later than thirty days after the official announcement of the election result by the secretary of state, any person authorized by section 13.100 who wishes to contest the election for any office or on any question provided in section 13.105, shall file a verified petition in the office of the clerk of the supreme court. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points, and shall pray leave to produce his proof. The supreme court shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

13.115. Procedure after filing of petition.—1. Immediately after a petition is filed, the clerk of the supreme court shall issue a summons upon the petition to the contestee, returnable by the day designated by the supreme court to the supreme court. The summons shall be served in any county of the state in the same manner provided for service of process in civil actions. If the contestee cannot be found within two days, the summons shall be served by leaving the summons and a copy of the petition at the residence address shown on the contestee's declaration of candidacy and by posting the summons in a conspicuous place in the office of the clerk of the supreme court.

2. Immediately after the petition is filed, the clerk of the supreme court shall send by certified or registered mail a certified copy of the petition to the secretary of state and to each election authority responsible for conducting the election in any area where an alleged irregularity occurred.

3. Not later than fifteen days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his nomination should not be contested. If the contestee wishes to contest the validity of any votes given to the contestant, he shall set forth in his answer, the votes he wishes to contest and the facts he will prove in support of such contest and shall pray leave to produce his proof.

13.120. Commissioner to take testimony, appointed, when—powers of commissioner.—1. Immediately upon the filing of a petition and answer, if there is any, the supreme court shall appoint a commissioner of the court to take the testimony of witnesses at such times and places as the court shall order. The order shall specify the points and facts in regard to which testimony is to be taken and the time when the commissioner shall make his report to the court.

2. Upon appointment by the court, the commissioner shall proceed to procure the attendance of witnesses, and to take and certify testimony as directed. The contestant and contestee shall have the right to attend the examination of all witnesses and to cross examine, but no testimony shall be taken except on the points and facts specified in the court order. The commissioner shall have authority to administer oaths, take depositions, compel the attendance of witnesses by summons and attachment, require such witnesses to testify and to compel discovery in accordance with the rules of discovery in civil cases.

13.201. Contests for office of senator or representative to be heard by the respective body.—All contested elections for the office of state senator shall be heard and determined by the state senate. All contested elections for the office of state representative shall be heard and determined by the state house of representatives.

13.205. Contests for House or Senate seats, where and how filed.—Not later than thirty days after the official announcement of the election result is issued by the

secretary of state, any candidate who wishes to contest the election for an office provided in section 13.201, shall file a verified petition with the president of the senate or the speaker of the house, as the case may be. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points. The state senate or the state house of representatives, as the case may be, shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders, under the hand of the president of the senate or the speaker of the house, to all election authorities in the area in which the contested election was held.

13.210. Contestee, service on how made—notice to Secretary of State—time for filing answer.—1. At the time of filing, the contestee shall be served with a copy of the petition by the contestant or his representative. With the copy of the petition shall be included a written notice of the time and place of the petition's filing, the grounds on which the election is contested, the time and place for the taking of depositions and the names of all witnesses to be examined. If the contestee is not found within two days after the petition is filed, the copy of the petition and notice shall be left at the residence address shown on contestee's declaration of candidacy and by posting the petition in a conspicuous place in the office of the secretary of the senate or the chief clerk of the house, as the case may be.

2. At the time of filing, a copy of the petition and notice shall also be transmitted to the secretary of state and each election authority responsible for conducting the election in any area where an alleged irregularity occurred.

3. Not later than fifteen days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his election should not be contested. At the time of filing, a copy of the answer shall be transmitted to the contestant. If the contestee wishes to contest the validity of any votes given to the contestant, he shall include in his answer a notice of the time and place for the taking of depositions, the grounds on which the votes will be contested, and the names of all witnesses to be examined.

13.215. Depositions, when taken—civil discovery rules to apply.—Immediately upon the filing of a petition and answer, the taking of depositions shall commence, and the persons selected by the contestant and contestee to take depositions shall immediately issue subpoenas to the witnesses, commanding them to appear and give testimony at the time and place specified. The taking of depositions and all related matters shall be subject to the rules of discovery in civil cases. Either the contestant or the contestee may, without notice, take rebutting testimony at the time and place specified for the taking of depositions.

13.220. What testimony received by deposition—only testimony taken by deposition to be received by House or Senate, exception.—1. No testimony shall be received in the taking of depositions which does not relate to the points specified in the notices.

2. All testimony taken shall be certified by the persons appointed to take the depositions to the president of the senate or to the speaker of the house, as the case may be.

3. Except as provided in section 13.415 and in cases of fraud, no testimony but that contained in the depositions taken at the times and places specified in the notices shall be received as evidence by the senate or house.

13.225. No appeal from decision of House or Senate.—The determination made by the state senate or the state house of representatives on a contested election shall be final and not subject to court review.

13.301. Contests for office of circuit judge, where heard—other contests, where heard.—1. All contested elections for the office of judge of the circuit court not subject to the provisions of Article V, Section 29 of the state constitution shall be heard and determined by an adjoining circuit court selected by the contestant.

2. All contested elections on any office or question other than those provided for in sections 13.105, 13.201 and subsection 1 of this section shall be heard and determined by the circuit court of any circuit, selected by the contestant, in which all or any part of the election was held and in which any alleged irregularity occurred.

13.305. Time in which election contest may be filed.—Not later than thirty days after the official announcement of the election result by the election authority, any person authorized by section 13.100 who wishes to contest the election for any office or on any question provided in section 13.301, shall file a verified petition in the office of the clerk of the appropriate circuit court. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points, and shall pray leave to produce his proof. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

13.310. Duty of circuit clerk upon filing of petition—answer, when due.—

1. Immediately after a petition is filed, the clerk of the circuit court shall issue a summons upon the petition to the contestee, returnable by the day designated by the circuit court to the circuit court. The summons shall be served in any county of the state in the same manner provided for service of process in civil actions. If the contestee cannot be found within two days, the summons shall be served by leaving the summons and a copy of the petition at the residence address shown on the contestee's declaration of candidacy and by posting the summons in a conspicuous place in the office of the clerk of the circuit court.

2. Immediately after the petition is filed, the clerk of the circuit court shall send by certified or registered mail a certified copy of the petition to the election authority responsible for issuing a statement announcing the results of the contested election and to each election authority responsible for conducting the election in any area where an alleged irregularity occurred.

3. Not later than fifteen days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his nomination should not be contested. If the contestee wishes to contest the validity of any votes given to the contestant, he shall set forth in his answer the votes he wishes to contest and the facts he will prove in support of such contest and shall pray leave to produce his proof.

13.315. Case to be tried, when.—Immediately upon the filing of a petition and answer, if there is any, the court shall proceed to try the case and may at once appoint a commissioner to take testimony in the same way and manner as provided for the contest of state offices in section 13.120.

13.400. Recount of votes ordered, when.—If the court or legislative body hearing a contest finds there is a prima facie showing of irregularities which place the result of any contested election in doubt, the court or legislative body shall order a recount of all votes brought in question by the petition or its answer. Where the issue is drawn over the validity of certain votes cast, a prima facie case is made if the validity of a number of votes equal to or greater than the margin of defeat is placed in doubt. The court or legislative body may order a recount of all votes brought in question by the petition or its answer at any time if it finds that the election result is placed in doubt. All materials and records relating to the contested election may be subpoenaed, and all information contained therein shall be subject to the rules of discovery in civil cases. During a recount, the court may hear additional evidence offered by any party bearing on any issue relating to the contested election.

13.410. Recounts, how conducted.—1. Whenever a recount is ordered pursuant to section 13.400 or 13.450, the court or legislative body trying the contest shall issue a writ to each election authority responsible for conducting the election in any area in which an alleged irregularity occurred, commanding the election authority to prepare

its office and all records and materials relating to the contested election for the recount. Such writ shall be served immediately on the election authority by the sheriff of the county. Upon receipt of a writ, each election authority shall set a day, not more than twenty days after receiving the writ, on which it will have its office and all records and materials relating to the contested election prepared. Immediately upon setting the day, the election authority shall send by certified or registered mail a notice to the court or legislative body issuing the writ. The notice shall set forth the day selected by the election authority for the recount.

2. Whenever a recount is ordered pursuant to section 13.400 or 13.450, the court or legislative body shall have authority to pass upon the form and determine the legality of the votes brought into question and to determine the qualifications of any voter whose vote is brought into question, provided that the name of a voter upon a precinct register for the polling place shall be prima facie evidence of the proper qualifications of the voter. A comparison may be made between the signatures on the identification certificates and those which appear in the precinct registers, and no votes shall be counted except the votes of registered voters and those entitled to vote as provided in subsection 2 of section 7.020 and section 9.005 without being registered. No votes of any person found by the court to be unqualified to vote at the election shall be counted.

3. Whenever a recount of votes cast on paper ballots is ordered pursuant to section 13.400 or 13.450, the court or legislative body shall proceed to open and count the votes and, after the count has been completed, shall tabulate by voting district the votes cast for the contestant and the contestee.

4. Whenever a recount of votes cast on any voting machine is ordered pursuant to section 13.400 or 13.450, the court or legislative body shall make visible the registering counters of the machine and, without unlocking the machine against voting, shall record the votes cast on the machine.

5. Whenever a recount of votes cast on ballot cards is ordered pursuant to section 13.400 or 13.450, the court or legislative body shall supervise a test of the automatic tabulating equipment conducted in the manner provided in section 8.030 and shall cause the votes to be recounted automatically, or may order a hand-count of the votes. In its discretion, the court or legislative body may order a new computer program to be made, which shall be tested in the manner provided in section 8.030 before the votes in question are recounted automatically.

13.415. Persons conducting recount, how selected.—Whenever a recount is ordered pursuant to section 13.400 or 13.450, the court or legislative body shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted to the court or legislative body by the contestant and the contestee. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where he is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the court or legislative report, the contestant and the contestee shall be permitted to be present in person or represented by an attorney at the recount and to observe the recount. Each recount shall be completed under the supervision of the court or legislative body, and the persons appointed to assist with the recount shall perform such duties as the court or legislative body shall direct. Upon completion of any duties prescribed by the court or legislative body, the persons appointed to assist with the recount shall make a written and signed report of their findings to the court or legislative body. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be heard as a witness to contradict the findings. No one other than the election authority, representatives of the court or legislative body, the contestant and contestee, their attorneys, and those specifically appointed by the court

or legislative body to assist with the recount shall be present during any recount ordered pursuant to the provisions of section 13.400 or 13.450.

13.420. Records to be corrected to reflect judgment.—Each court or legislative body authorized to determine contested elections shall hear and determine each contest at the earliest opportunity after the official announcement of the results of the election has been made. Upon completion of the procedures provided for in this chapter, the court or legislative body shall render its judgment based upon the issues of law and fact and cause a certified copy of its judgment to be transmitted to each affected election authority and to the secretary of state. Each election authority to which a copy of the judgment is sent and the secretary of state shall correct their records to conform to the judgment.

13.425. Contestant to post bond, when.—In each case of a contested election, the court or legislative body may require the contestant to post bond for the costs of the election contest. The costs of any election contest, including the cost of a recount, may be adjudged against the unsuccessful party with payment of the costs enforceable as in civil cases.

13.430. New election ordered, when.—If the court or legislative body trying a contested election determines there were irregularities of sufficient magnitude to cast doubt on the validity of the initial election, it may order a new election for the contested office or on the contested question. The order shall set the date of the election and shall be sent by the clerk of the court or the secretary of the senate or the chief clerk of the house of representatives, as the case may be, to each election authority responsible for conducting the special election. In its order, the court or legislative body shall specify the name of each candidate for the office to be voted on at the special election, or the ballot title of the question to be voted on at the special election, and the election shall be conducted and the votes counted as in other elections. Notice of the election shall be given in such manner as the court or legislative body directs. The person receiving the highest number of votes at the special election shall be deemed elected and entitled to assume office, or the question submitted at the special election shall be deemed approved if a majority of the votes at the special election are cast in favor of the question.

13.435. Person holding certificate of election to hold office pending outcome—question shall be deemed decided as shown by returns pending outcome.—1. In each case of a pending election contest for an office, the person holding the certificate of election may qualify and take the office at the time specified by law and exercise the duties of the office until the contest has been decided. If the contest is decided against the contestee, the court or legislative body trying the contest shall make an order for him to give up the office to the person determined to be entitled to the office and to deliver to such person all books, records, papers, property and effects pertaining to the office. The court or legislative body trying the contest may enforce the order by attachment or other proper process. If for any reason the person determined to be entitled to the office does not or cannot take office, a vacancy shall exist to be filled in the manner provided by law.

2. In each case of a pending election contest on a question, the question shall be deemed approved or disapproved as shown by the official returns of the election until the contest is decided. When the contest is decided, the question shall be deemed approved or disapproved in accordance with the decision as of the day the contest is decided, or as of the day it would otherwise have been deemed approved or disapproved, whichever is later.

13.440. Appeal from circuit court decisions allowed, procedure for.—In all cases of contested elections, except contested elections heard by the supreme court or the state senate or house of representatives, the right of appeal shall exist, and appeals may be taken in the same time or manner and to the same courts as is provided by law for appeals in cases in equity. The practice and procedure prescribed in civil actions shall

be followed in all respects not inconsistent with the provisions of sections 13.100 to 13.400. Upon the filing of any such appeal, the court shall give the case preference in the order of hearing to all other cases and modify its rules to the extent necessary to conclude the appeal as quickly as possible. In every case of such appeal, a bond with sufficient sureties conditioned for the payment of the costs accrued and to accrue in the cause may be required by any court in which the case is pending.

13.445. Parties may subpoena witnesses and take depositions.—In all cases of contested elections, primary and other, the contestant and the contestee shall be allowed process for witnesses, and either party may take depositions, as in civil cases, to be read as evidence at the trial, as is authorized in civil cases. All such depositions shall be filed before the trial is commenced, and may be read in evidence no matter where the witnesses reside.

13.450. Recount authorized when less than one percent difference in vote.—Any contestant in a primary or other election contest who was defeated by less than one percent of the votes cast for an office in any jurisdiction, or whose position on a question was defeated by less than one percent of the votes cast on the question in any jurisdiction, shall have the right to a recount of the votes cast for the office or on the question in the jurisdiction. Any such recount shall be conducted under the direction of the court, the commissioner representing the court or the legislative body trying the contest according to the provisions of this chapter.

14.001. Committees each established party shall maintain.—Each established political party shall have a state committee, a congressional district committee for each congressional district in the state, a judicial district committee for each circuit judge district in the state not subject to the provisions of Article V, Section 29 of the state constitution, a senatorial district committee for each senatorial district in the state, a legislative district committee for each legislative district in the state and a county committee for each county in the state.

14.005. Purpose of committee.—Each party committee shall be selected as provided in this chapter for the purpose of representing and acting for the party in the interim between party conventions.

14.010. County committee, selection of.—1. No person shall be elected as a member of a county committee who is not a registered voter of the county and a resident of the committee district from which he is elected. Except as provided in subsections 2,3 and 4 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township in the county.

2. In each county of the first class containing the major portion of a city which has over 300,000 inhabitants, two members of the committee, a man and a woman, shall be elected from each ward. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. The division of such township into subdistricts shall not affect the terms of county committee members in office when this act becomes effective until the terms for which they were elected have expired. Four members of the committee, two men and two women, shall be elected from each other township outside the city.

3. In each county of the first class containing a portion, but not the major portion, of a city which has over 300,000 inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: After each legislative reapportionment, the election authority shall divide each legislative district wholly

contained in the county into five committee districts of contiguous territory as compact and nearly equal in population as may be: two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

4. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

14.015. County committee members, when elected (St. Louis City and County).—In each city not situated in a county and in each county which has over 900,000 inhabitants, all members of the county committee shall be elected at the primary election immediately preceding each gubernatorial election and shall hold office until their successors are elected and qualified. In each other county, all members of the county committee shall be elected at each primary election and shall hold office until their successors are elected and qualified.

14.020. County committee members, filing fees.—1. Any registered voter of the county may have his or her name printed on the primary ballot of his or her party as a candidate for county committeeman or committeewoman by filing a declaration of candidacy in the office of the county election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing his declaration of candidacy, candidates for county committeeman or county committeewoman shall pay to the treasurer of his party's county committee, or submit to the county election authority to be forwarded to the treasurer of his party's committee, a certain sum of money, as follows:

(1) one hundred dollars if he is a candidate for county committeeman or committeewoman in any county which has or hereafter has over 900,000 inhabitants;

(2) one hundred dollars if he is a candidate for county committeeman or committeewoman in any city not situated in a county;

(3) twenty-five dollars if he is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over 300,000 inhabitants;

(4) except as provided in subdivisions (1), (2) and (3) of this subsection, no candidate for county committeeman or committeewoman shall be required to pay a filing fee.

3. Any person who cannot pay the fee to file as a candidate for county committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom he files his declaration of candidacy. The provisions of section 10.117 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in April immediately preceding the primary election.

14.025. Committeeman and committeewoman, how selected—tie vote, effect of—if no person elected a vacancy created.—1. The qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county committee of the party.

2. If two or more qualified persons receive an equal number of votes for county committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 14.035.

3. If no qualified person is elected county committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 14.035.

14.030. County committee to meet and organize, when.—After each primary election, each county committee shall meet at the county seat on the third Tuesday of August immediately following the primary. In each city not situated in a county, the city committee shall meet on the same day at such place within the city as the chairman of the current city committee may designate. At the meeting, each committee shall organize by electing one of its members as chairman and one of its members as vice-chairman, a man and a woman, and a secretary and a treasurer, a man and a woman, who may or may not be members of the committee. The county chairman and vice-chairman so elected shall be virtue thereof become members of the party congressional, senatorial and judicial committees of the district of which their county is a part.

14.035. Vacancy, how filled.—Whenever a member of any county committee dies, becomes disabled, resigns, or ceases to be a registered voter of the county or a resident of the committee district from which he is elected, a vacancy shall exist on the committee. A majority of the committee shall elect another registered voter of the county who resides in the committee district to fill the vacancy.

14.040. Composition of legislative, senatorial, congressional and judicial district committees.—1. In all counties of this state having more than one legislative district, there shall be elected a chairman and a vice chairman, one of whom shall be a woman, for each such legislative district, and the county committee and legislative district committees shall each at the same time elect a secretary and a treasurer, one of whom shall be a woman, but who may or may not be members of said committee.

2. The congressional, senatorial or judicial district committee of a district of which a county having more than one legislative district shall form a part, shall be composed of the county chairmen and vice-chairmen of the several county committees, and the chairman and vice-chairman of each of the several legislative districts.

3. The congressional, senatorial or judicial district committee of a district coextensive with one county shall be the county committee.

4. The congressional, senatorial or judicial district committee of a district which shall be composed in whole or in part of a city or part of a county shall include as members of such committee, the ward or township committeemen and committeewomen from such wards or townships included in whole or in part in such part of a city or part of a county forming the whole or a part of such district.

14.041. Congressional district committee to meet and organize, when.—

1. The members of each congressional district committee shall meet at some point within the district, to be designated by the current chairman of the committee, on the last Tuesday in August after each primary election. At the meeting, the committee shall organize by electing one of its members as chairman and one of its members as vice-chairman, one of whom shall be a woman, and a secretary and a treasurer, one of whom shall be a woman, who may or may not be members of the committee.

2. The members of each senatorial district committee shall meet at some point within the district, to be designated by the current chairman of the committee, if there be one, and if not by the chairman of the congressional district in which the senatorial district is principally located, on the Wednesday after the last Tuesday in August after each primary election. At the meeting, the committee shall organize by electing one of its members as chairman and one of its members as vice-chairman, one of whom shall be a woman, and a secretary and a treasurer, one whom shall be a woman, who may or may not be members of the committee. Having so organized, the committee shall proceed to elect two registered voters of the district, one man and one woman, as members of the party state committee.

14.045. State committee to meet and organize, when.—The members of the state committee elected as provided in section 14.041 shall meet at noon on the second Tuesday in September after each primary election at some point in the City of Jefferson to be designated by the current state committee chairman. At the meeting, the committee shall organize by electing one of its members as chairman and one of its members as vice-chairman, one of whom shall be a woman, and a secretary and a treasurer, one of whom shall be a woman, who may or may not be members of the committee. Having organized, the state committee shall meet with the party nominees for federal offices, statewide offices, state senator and state representative, and shall formulate and make public a state platform for the party.

14.050. Convention of delegates of established party authorized.—The state committee of any established political party may call a convention of delegates to be apportioned, chosen or elected in such manner as it may prescribe for the purpose of nominating presidential electors, electing delegates to national conventions, electing members of national committees, adopting or making declarations of party principles on national questions, and to do and perform any other act not inconsistent with the law.

14.055. Constitution or bylaws of political committees authorized—how changed.—A party committee may adopt a constitution or bylaws or both. Such constitution or bylaws may have any provisions not in conflict with the laws of this state. Changes to such party rules may require no greater than a two-thirds vote of the total membership of a committee. Within a sixty-day period after the required committee organizational meeting following each primary election, any such constitution or bylaws may be changed or amended by a majority vote of the total membership of the committee.

15.001. Four classes of election offenses.—There shall be four classes of election offenses consisting of all offenses arising under this act and such other offenses as are specified by law.

15.005. Class one election offenses.—The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made under any provision of this act including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties;

(2) Voting more than once or voting at any election knowing that he is not entitled to vote or that he has already voted on the same day at another location inside or outside the state of Missouri;

(3) Procuring any person to vote knowing he is not lawfully entitled to vote or knowingly procuring an illegal vote to be cast at any election;

(4) Applying for a ballot in the name of any other person, whether the name be that of a person living or dead or of a fictitious person, or applying for a ballot in his own or any other name after having once voted at the election inside or outside the state of Missouri;

(5) Aiding, abetting or advising another person to vote knowing he is not legally entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

(6) An election judge knowingly causing or permitting any ballot to be in the ballot box at the opening of the polls and before the voting commences;

(7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected, or otherwise defrauding him of his vote;

(8) An election judge knowingly placing or attempting to place or permitting any ballot, or paper having the semblance of a ballot to be placed in a ballot box at any election unless the ballot is offered by qualified voter as provide by law;

(9) Knowingly placing or attempting to place or causing to be placed any false or fraudulent or bogus ballot in a ballot box at any election;

(10) Knowingly removing any legal ballot from a ballot box for the purpose of changing the true and lawful count of any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return he knows if fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person he knows is not entitled to receive the certificate, or declaring any election result he knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine or marking device at an election, mislead any voter at the election, or to destroy or change the count or record of votes on such machine;

(17) Registering to vote knowing he is not legally entitled to register or registering in the name of another person, whether the name be that of a person living or dead or of a fictitious person;

(18) Procuring any other person to register knowing he is not legally entitled to register, or aiding, abetting or advising another person to register knowing he is not legally entitled to register;

(19) Knowingly preparing, altering or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;

(20) On the part of any person assisting a blind or disabled person to vote, knowingly failing to cast such person's vote as he directs;

(21) On the part of any registration or election official, permitting any person to register to vote or to vote when he knows the person is not legally entitled to register or not legally entitled to vote.

15.010. Class two election offenses.—The following offenses, and any others specifically so described by law, shall be class two election offenses and are deemed felonies not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) On the day of election or before the counting of votes is completed, willfully

concealing, breaking, or destroying any ballot box used or intended to be used at such election or willfully or fraudulently concealing or removing any ballot box from the custody of the election judges:

(2) Willfully tampering with, disarranging, defacing, materially altering, impairing, or destroying any voting machine or automatic tabulating equipment owned or leased by or loaned to an election authority.

15.015. Class three election offenses.—The following offenses, and any others specifically so described by law, shall be class three election offenses and are deemed misdemeanors connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by fine of not more than two thousand five hundred dollars, or by both such imprisonment and fine:

(1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to procure, any money or valuable consideration, office, or place of employment, to or for any voter, to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote or refrain from voting or corruptly doing any such act on account of such voter having already voted or refrained from voting at any election;

(2) Making use of, or threatening to make use of, any force, violence, or restraint, or inflicting or threatening to inflict any injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election;

(3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress or any fraudulent device or contrivance, the free exercise of the franchise of any voter or, by abduction, duress, or any fraudulent device, compelling, inducing, or prevailing upon any voter to vote or refrain from voting at any election;

(4) Giving, or making an agreement to give, any money, property, right in action, or other gratuity or reward, in consideration of any grant or deputation of office;

(5) Bringing into this state any non-resident person with intent that such person shall vote at an election without possessing the requisite qualifications;

(6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or other device or agreeing or contracting for any money, gift, office, employment, or other reward, for giving, or refraining from giving, his vote in any election;

(7) Removing, destroying or altering any supplies or information placed in or near a voting booth for the purpose of enabling a voter to prepare his ballot;

(8) Assisting a person to vote knowing he is not legally entitled to such assistance, or while assisting a person to vote who is legally entitled to such assistance, in any manner coercing, requesting or suggesting that the voter vote for or against or refrain from voting on any question, ticket or candidate;

(9) Entering a voting booth or compartment except as specifically authorized by law;

(10) On the part of any election official, challenger, watcher or person assisting a person to vote, revealing or disclosing any information as to how any voter may have voted, indicated that he had voted, indicated an intent to vote or offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court proceeding relating to an election offense;

(11) On the part of any registration or election official, refusing to permit any person to register to vote or to vote when he knows the person is legally entitled to register or legally entitled to vote;

(12) Attempting to commit or participating in an attempt to commit any class one or class two election offense.

15.020. Class four election offenses.—The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by

a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subsection shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he intends to vote; or to dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

(4) On the part of any candidate for election to any office of honor, trust, or profit offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;

(5) On the part of any person, group of persons, firm, organization, association, league, or other body, or any members thereof, publishing, circulating, or distributing any pamphlet, circular, handbill, or other printed matter relative to the candidacy of any person seeking nomination or election to any public office unless the material bears in plain type the name and address of the person, or the name and address of the firm, and the names, addresses and titles of the principal officers and the secretary of the firm, organization, association, league, or other body causing it to be printed or distributed. Should two or more persons join in causing such matter to be published or distributed, then the names of each shall be printed thereon in plain type except that if ten or more persons join in publishing and distributing such matter then the names of five of those persons printed on the matter in plain type shall be sufficient compliance with this subsection, and, if such persons shall be acting on behalf of a corporation or other organization having officers, it shall be sufficient to print the name of the corporation or organization and the names of the principal officer (by whatever title known) and the secretary;

(6) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him;

(7) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(8) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

(9) On the part of any election authority or official charged by law with the duty of distributing the printed ballots, or any person acting on his behalf, knowingly

distributing or causing to be distributed any ballot in any manner other than that prescribed by law;

(10) Any person having in his possession any official ballot, except in the performance of his duty as an election authority or official, or in the act of exercising his individual voting privilege;

(11) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

(12) On the part of any election judge, willfully absenting himself from the polls on election day without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

(13) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;

(14) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;

(15) On the part of any voter, except as otherwise provided by law, allowing his ballot to be seen by any person with the intent of letting it be known how he is about to vote or has voted, or knowingly making a false statement as to his inability to mark his ballot;

(16) On the part of any election judge, disclosing to any person the name of any candidate for whom a voter has voted;

(17) Interfering, or attempting to interfere, with any voter inside a polling place;

(18) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(19) Electioneering or distributing election literature or posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within twenty-five feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by him, any such election sign or literature located within such distance on such day after request for removal by any person.

15.025. Three hours off work to vote—interference by employer a class four offense.—1. Any person entitled to vote at any election held within this state shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed, for a period of three hours between the time of opening and the time of closing the polls for the purpose of voting, and any such absence for such purpose shall not be reason for the discharge of or the threat to discharge any such person from such services or employment; and such employee, if he votes, shall not, because of so absenting himself, be liable to any penalty or discipline, nor shall any deduction be made on account of such absence from his usual salary or wages; provided, however, that request shall be made for such leave of absence prior to the day of election, and provided further, that this section shall not apply to a voter on the day of election if there are three successive hours while the polls are open in which he is not in the service of his employer. The employer may specify any three hours between the time of opening and the time of closing the polls during which such employee may absent himself.

2. Any employer violating this section shall be deemed guilty of a class four election offense.

15.030. Failure to perform a duty under sections 1.001 to 15.030 and sections 51.450 and 51.460 a class four offense—exceptions.—Any duty or requirement

imposed by this act which is not fulfilled and for which no other or different punishment is prescribed shall constitute a class four election offense.

51.450. Deputies, compensation (third class counties).—1. The clerk of the county court in each county of the third class is entitled to employ deputies and assistants, and for the deputies and assistants, is allowed not less than the following sums:

(1) In all counties having a population of less than seven thousand five hundred persons, the sum of fifty-five percent of the salary of the county clerk;

(2) In counties with a population of seven thousand five hundred, and less than fifteen thousand, the sum of sixty-five percent of the salary of the county clerk;

(3) In counties having a population of fifteen thousand, and less than twenty thousand, the sum of seventy percent of the salary of the county clerk;

(4) In counties having a population of twenty thousand, and less than twenty-four thousand, the sum of seventy-five percent of the salary of the county clerk;

(5) In counties having a population of twenty-four thousand, and less than thirty thousand, the sum of one hundred percent of the salary of the county clerk; and

(6) In counties having a population of thirty thousand or more, the sum of one hundred and twenty-five percent of the salary of the county clerk.

2. In addition to the amount authorized by the county court pursuant to subsection 1 of this section, the chief deputy county clerk in each county of the third class shall receive one thousand dollars a year payable out of the county treasury.

3. For the purpose of computing the various amounts under the provisions of subsection 1, the salary of the clerk of the county court is the total compensation provided in sections 51.300 and 51.305.

51.460. Deputies, assistants—compensation (fourth class counties).—1. The clerk of the county court in each county of the fourth class is entitled to employ deputies and assistants, and for the deputies and assistants, shall receive not less than three thousand eight hundred dollars a year.

Approved July 28, 1977.

[H. B. 328]

SUFFRAGE AND ELECTIONS: Numbering of election ballots.

AN ACT to repeal sections 111.441, 111.461, 111.481, 112.061, 113.360, 113.860, 117.560, 117.570, 118.480, 119.450, 119.520 and 162.371, RSMo 1969, sections 111.301, 112.067 and 113.330, RSMo Supp. 1975 and section 111.041 of Senate Bill 506 passed by the second regular session of the 78th General Assembly and approved by the Governor on March 31, 1976, relating to the numbering of election ballots, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause.

SECTION

1. Enacting clause.
- 111.041. Voters for presidential and vice-presidential electors, registration not required—affidavit, form of—procedure for voting.
- 111.301. Electronic voting systems authorized.
- 111.441. Issuance of ballot, procedure for.
- 111.481. Ballots considered fraudulent, when.
- 112.061. Receipt of and care of ballots.
- 112.067. Absentee ballots, how counted.
- 113.330. Inspection of ballot box on delivery—counting procedures.

SECTION

- 113.360. Rejection of ballots by judges, when, procedure.
- 113.860. Inspection of ballot box on delivery—counting of ballots, procedure for.
- 117.560. Identification of voter—identification certificate, form of—procedure in marking ballot.
- 117.570. Ballot delivered to judge—duties of judges and clerks—challenges.
- 118.480. Ballot, how marked by election judges.
- 119.450. Inspection of ballot box—procedure for handling ballots by election judges.

SECTION

119.520. Rejection of ballots, when, procedure.

SECTION

162.371. Conduct of elections—ballots, secrecy provisions.

A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 111.441, 111.461, 111.481, 112.061, 113.360, 113.860, 117.560, 117.570, 118.480, 119.450, 119.520 and 162.371, RSMo 1969, sections 111.301, 112.067 and 113.330, RSMo Supp. 1975 and section 111.041 of Senate Bill 506 passed by the second regular session of the 78th General Assembly and approved by the Governor on March 31, 1976 are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 111.041, 111.301, 111.441, 111.481, 112.061, 112.067, 113.330, 113.360, 113.860, 117.560, 117.570, 118.480, 119.450, 119.520 and 162.371, to read as follows:

111.041.—Voters for presidential and vice-presidential electors, registration not required—affidavit, form of—procedure for voting.—1. A person qualifying under section 111.031 and desiring to vote for presidential and vice-presidential electors shall not be required to register in order to vote but shall apply for and cast his ballot as follows:

(1) Applications for ballots shall be made in person to the county clerk, city clerk, or the election authority of the county or city or to an authorized representative of either of them during regular office hours at the principal office of the clerk or election authority or at such other place designated by the county court or by the election authority for such purpose. The clerk or other officer shall request the applicant to produce evidence of identity. The time for taking applications for the ballots shall be designated by the county clerk, city clerk or the election authority of the county or city.

(2) Application shall be in the form of an affidavit signed in the presence of the county or city clerk or election authority or a duly authorized representative of either of them in substantially the following form:

State of Missouri)

) ss

County of

I,, do solemnly swear that I am a citizen of the United States, that prior to establishing Missouri residence my legal residence was in the precinct of the ward of the city of, county of, state of, and that I resided at street; that I am at least eighteen years of age; that I have been a legal resident of the state of Missouri since, 19; that I now reside at street in the precinct of the ward of county of; that I have resided at that address continuously since, 19; and that pursuant to the constitution and laws of this state I am entitled to vote for president and vice president at the election to be held November, 19; that I have not and will not vote otherwise than by this ballot at this election; that I hereby make application for an official presidential ballot.

Signed

Subscribed and sworn to before me this day of, 19

.....
County clerk

(3) If satisfied that the certification required in subdivision (2) is in good order, the clerk or other officer shall, in the presence of the voter, initial a ballot containing only the names of the candidates for president and vice president of the United States. He shall then deliver it to the voter who shall mark his ballot in the presence of the clerk or other officer but in such manner that the officer cannot know how the ballot is marked. He shall then fold the ballot in the clerk's presence so as to conceal the marking thereon and deposit the ballot in the ballot box provided for that purpose.

(4) A poll book shall be kept and the name of the voter shall be listed thereon.

(5) The county clerk or city clerk or other election authority shall keep open to public inspection a list of the names of all persons who have applied for and voted ballots as new residents with the name and address of each voter. A ballot box containing the presidential ballots required by this section shall be kept and locked in the same manner as is provided by law for the handling of ballot boxes to be used in elections generally; except that no ballots shall be removed from the ballot box prior to the counting of the votes hereinafter required. The county clerk or election authority of the county or city shall deliver the locked ballot boxes to the officials or body charged with the duty of counting absentee ballots. Such officials or body shall remove the ballots from the box and they shall be counted and the returns made by the officials or body in the same manner and to the same extent as absentee ballots.

2. The vote of any newly resident voter may be challenged for good cause and the canvassing authority has the power and authority given by law to regular judges of election to hear and determine the legality of any ballot cast by such persons.

111.301. Electronic voting systems authorized.—1. Electronic voting systems may be used in any election if such systems enable the voter to cast a vote in secrecy for all offices and on all measures on which he is entitled to vote, and if the automatic tabulating equipment may be set to reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast, or when the voter is not by law entitled to cast a vote for the office or measure.

2. Electronic voting systems may be used at any primary election if the automatic tabulating equipment will count only votes for the candidates of one party, and will reject all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast and will reject all votes of a voter cast for candidates of more than one party.

3. So far as applicable, the procedure provided for voting paper ballots shall apply where electronic voting systems are used.

4. The board of election commissioners, or the county clerk may with the consent and approval of the county court adopt, experiment with, or abandon voting machines meeting the requirements of chapter 121, RSMo, or any electronic voting system herein authorized and approved for use in the state, or they may lease for a period not to exceed ten years, one or more voting machines or other voting equipment, either with or without option to purchase, and may use such voting equipment in all or part of the precincts within its boundaries, or in combination with paper ballots. The board of election commissioners or the county court may enlarge, consolidate, or alter the boundaries of any precinct where such voting equipment is to be used.

111.441. Issuance of ballot, procedure for.—1. On any day of election any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon repeat the name in a distinct tone of voice, clear and audible. Where there is a registration of voters if the name is found in the register of voters by the officer having charge thereof, he shall likewise repeat the name and the voter shall be allowed to enter the space enclosed by the guard rail. When the voter's name is found on the register list, a mark shall be entered beside it to indicate that the voter has presented himself for the purpose of voting. No voter shall receive a ballot until his name is found on the register of voters.

2. One of the judges shall then give one and only one ballot, on the back of which two judges of opposite politics have written their initials with ink or indelible pencil, to the voter. The ballot shall then be voted as prescribed by section 111.451.

3. If any person desiring to vote at any election is challenged, he shall not receive a ballot until he has established his right to vote in the manner provided by law. If he is challenged after he has received his ballot, he shall not be permitted to vote until he has fully complied with such requirements of law.

111.481. Ballots considered fraudulent, when.—1. When two or more ballots are found folded together, such ballots shall be considered as fraudulent, and shall be rejected. If a ballot appears without the initials of two election judges, it shall be rejected except when it appears the absence of initials is due to a mistake of the election judges, and the ballot is otherwise legal and proper.

2. If a ballot is found to contain a greater number of marks for an office than the number of persons required to fill that office, it shall be considered as fraudulent as to all of the names designated to fill that office, but no further. No ballot shall be considered fraudulent for containing a lesser number of names than are authorized to be inserted.

112.061. Receipt of and care of ballots.—1. The election authority shall keep a list for the purpose of entering the name and address, and the election district or precinct of each voter submitting an absentee ballot. As each ballot is received this information shall be entered on the list and a consecutive number assigned to the absentee voter. The list shall be available for public inspection at all reasonable times.

2. All ballots which are received by the election authority shall be kept in a safe place and shall not be opened, except as provided in this chapter.

3. As the ballots are received, the election authority shall separate them according to election district or precinct. The separated ballots, before being delivered for the purpose of being counted, shall be tied into bundles and a list shall be attached to each bundle, which list shall state the name and address and the assigned number of each person whose ballot is contained in the bundle. The list shall also state the total number of ballots contained in the bundle.

112.067. Absentee ballots, how counted.—1. To provide for the counting of absentee ballots the election authority shall appoint one team of persons for each three hundred absentee ballots or major portion thereof cast at the election. Each team shall consist of four disinterested persons, from the two dominant political parties, not more than one-half of whom shall be of the same political party. The persons shall be chosen by the election authority from a list furnished the election authority by the central committees of the two dominant political parties. The lists furnished the election authority shall contain the names of at least twice as many persons as are needed to count the ballots. The list furnished the election authority shall be delivered to the election authority not later than 12:00 noon of the fourth day before the election. The election authority shall appoint the teams not later than 5:00 p.m. of the day before the election. If a party fails to present a list of persons before the required time, the election authority shall appoint the persons to represent that party in the counting of the ballots. All persons counting the absentee ballots shall take the oath prescribed for regular election judges.

2. The teams appointed as provided in subsection 1 shall meet on election day two hours after the time provided for the opening of polling places in that election jurisdiction and at a central place designated by the election authority. The election authority shall deliver the absentee ballots, separated as provided by section 112.061, to the teams so assembled at that time and each team shall receipt for the ballots which it receives. In the presence of the entire team, one member of the team shall check the ballots received against the list accompanying the ballots. Any variation between the ballots received and the information contained in the list shall be noted on the list. The election authority shall furnish the teams with ballot boxes and with poll books in the form prescribed by section 111.521, RSMo.

3. One of the members of the team shall open each envelope and, without unfolding the ballot, write on the ballot his initials. The ballot, still folded, shall then be placed in a ballot box. The ballot box shall not be opened until all of the ballots the team is counting have been placed in the box. The ballots shall be counted and the returns made as provided by law for the counting and return of elections generally. The absentee ballots and envelopes after being counted shall be placed on a string and

enclosed in a sealed envelope or sack labeled "absentee voted ballots" and all rejected ballots and envelopes of ineligible voters shall be placed in a separate envelope and returned to the election authority. As soon as practicable after the close of the polls, the election authority at his office shall proclaim in a clear, distinct voice, the total number of votes received by each person as shown by the tally sheets and the office for which he is a candidate, as well as the number of votes for and against any proposition submitted to a vote of the people. Upon receipt of the returns and ballots, the election authority shall tabulate the absentee vote along with the votes certified from the election districts or precincts of the county or city.

113.330. Inspection of ballot box on delivery—counting procedures.—After the poll books are signed in the manner provided in the form of the poll books, the ballot box shall be opened and examined by all the judges and clerks and challengers present, and everything removed therefrom; and one of the receiving judges, first selected, shall receive the ballot or ballots of each elector, and, after pronouncing the name of such elector in an audible voice, shall pass the ballot to the other receiving judge, who shall deposit it in the ballot box, which shall be kept securely closed while the balloting continues until the time of closing of the polls. No person or persons shall be admitted into the room or office where the ballots are being counted except the judges and clerks of election and such watchers as are authorized by law. It shall be the duty of one of the judges to announce to the electors present the total number of votes polled.

113.360. Rejection of ballots by judges, when, procedure.—If the judges in counting ballots shall find their number to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any, found folded inside of a ballot. The ballots so rejected shall be enclosed in an envelope marked "rejected ballots" and returned to the board of election commissioners; and the ballots or poll list agreeing or being made to agree in this way, the judges shall proceed to count the votes and the clerks to tally the same. When all the ballots have been canvassed, the poll clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce in a loud voice to the judges the number of votes received by each candidate, and the clerks shall then express in figures at the end of the tally list of each candidate, and immediately following in writing, the number of votes received by each candidate.

113.860. Inspection of ballot box on delivery—counting of ballots, procedure for.—In any precinct where voting machines are not used, the poll book shall be signed by the judges in the manner provided by law. The ballot box shall be opened and examined by all the judges and everything removed therefrom; and one of the receiving judges first selected shall receive the ballot of each elector, and, after pronouncing the name of such elector in an audible voice, shall pass the ballot to the other receiving judge, who shall deposit it in the ballot box, which shall be kept securely closed while the balloting continues until the time of closing the polls. At the expiration of the time, the judges shall open the ballot box and the ballots shall be taken out one at a time by one of the counting judges, who shall read distinctly, while the ballot remains in his hand, the name or names written or printed thereon, also the office that it intended to be filled by the person voted for, and deliver the same to the other counting judge, who shall string the same on a thread or string, as provided by law. The same method shall be observed with each ballot, and the counting shall continue thus until all the ballots in the box are counted. No person shall be admitted into the room or office where the ballots are being counted, except the judges of election and the challengers and watchers authorized by law. One of the judges shall announce to the electors present the total number of votes polled. The judges and witnesses shall make oath that they will make no statement nor give any information of any kind as to the number of votes polled for any office or person, nor the name of any person voted for, nor any other fact tending to in any way show the state of the polls at any time previous to the closing of the polls of the election on the day of the same.

117.560. Identification of voter—identification certificate, form of—procedure in marking ballot.—Any qualified elector, on the day of election, in any precinct, shall be entitled to receive from the judges of election a ballot to be voted at said election, after such elector is identified as in this section provided. After such identification, it shall be the duty of the judges to deliver such ballot to the elector. Such elector shall identify himself to such judges and sign his name and address either in whole or by mark upon a voter's identification certificate furnished him by the clerk of the same politics as the judge of election in charge of the ballot box. Such certificates shall be furnished to the judges and clerks of election in each precinct by the board of election commissioners and shall be in substantially the following form:

VOTER'S IDENTIFICATION CERTIFICATE

Pct..... No.....
Ward.....

GENERAL ELECTION NOVEMBER, 19

I hereby certify that I am qualified to vote at this election.

.....
Sign Name (Do Not Print)

.....
Address

.....
(Judge's initials)

In each precinct such certificates shall be serially numbered beginning with the number 1 as herein and in section 117.550 provided. The elector's signature and address on such certificate shall be compared by the judges in charge of the precinct registers with the elector's signature and address on such registers. Any question of doubt concerning the identity of the elector shall be decided by a majority of the judges. Upon identification, the judges in charge of the precinct registers shall initial said certificate and return it to the elector. Before delivering any ballots to the electors, the two judges of opposite politics having charge of the ballots shall write their names or initials upon the back of the ballots, with ink or indelible pencil, writing the name or initials in the same order on every ballot and no other writing shall be on the back of the ballot. Upon receipt of his ballot, the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting booths so provided and shall mark his vote on the ballot according to the instructions. The voter shall then fold his ballot in such manner as to leave the judges' initials thereon exposed by not to disclose for whom or how the voter has voted, except voters entitled to and receiving assistance in voting as provided by law. After marking and folding his ballot the voter will hand the ballot and his identification certificate to the judge of election in charge of the ballot box.

117.570. Ballot delivered to judge—duties of judges and clerks—challenges.—The judge of said election of opposite politics from the judge who hands the ballot to the voter shall receive the ballot and voter's identification certificate from the voter, and shall announce the name of such voter in a loud voice. Said judge shall then deliver such voter's identification certificate to the clerk of opposite politics to said judge, which clerk shall thereupon write on the face of said certificate the number of the same, which number shall be the next number in order after the number of the last certificate so received by said clerk. Said ballot box judge shall thereupon put said vote into the ballot box, in the presence of the voter and the judges and clerks of said election, and in plain view of the public. Upon putting said vote into the ballot box, the judge having charge of the precinct register shall then, in a space prepared thereon, write or stamp the word "voted" and the date of the election as in this chapter provided. If such person so registered shall be challenged or disqualified, the party challenging shall assign his reason therefor, and thereupon one of said judges shall administer to him an

oath to answer questions; and if he shall take said oath, he shall then be questioned by said judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be not received by a majority of such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn by him before one of said judges, in which it shall be stated how long he has resided in such precinct, county or city and state, that he is a citizen of the United States, and is a duly qualified voter in such precinct and that he is the identical person so registered; also supported by an affidavit of a registered voter who is a householder residing in such precinct, stating his own residence, and that he knows such person, and that he does reside at the place mentioned and has resided in such precinct, county and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way; whereupon the vote of such person shall be received and entered as other votes. But such clerks and judges having charge of such registers shall state in their respective reports, in writing, the facts in such case, and the affidavits so delivered to said judges shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all precincts, and the judges of election shall furnish the same on demand and administer the oath without charge. Such oaths may be administered by any officer authorized by law to administer oaths.

118.480. Ballot, how marked by election judges.—The qualified elector on the day of election in any precinct shall be entitled to receive from the judges of election a ballot to be voted for at said election. It shall be the duty of such judges of election to deliver such ballot to the elector. Before delivering any ballots to the electors, the two judges of opposite politics having charge of the ballots shall write their names or initials upon the back of the ballots with ink or indelible pencil, writing the name or initials in the same order on every ballot, and no other writing shall be on the back of the ballot.

119.450. Inspection of ballot box—procedure for handling ballots by election judges.—After the poll books are signed in the manner provided in the form of the poll books, the ballot box shall be opened and examined by all the judges and clerks and challengers present and everything removed therefrom; and one of the receiving judges, first selected, shall receive the ballot or ballots of each elector, and, after pronouncing the name of such elector in an audible voice, shall pass the ballot to the other receiving judge, who shall deposit it in said ballot box, which shall be kept securely closed while the balloting continues until the time of closing of the polls.

119.520. Rejection of ballots, when, procedure.—If the judges in counting ballots shall find their number to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any, found folded inside of a ballot. The ballots so rejected shall be enclosed in an envelope marked "rejected ballots" and returned to the board of election commissioners; and the ballots or poll list agreeing or being made to agree in this way, the judges shall proceed to count the votes and the clerks to tally the same. When all the ballots have been canvassed, the poll clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce in a loud voice to the judges the number of votes received by each candidate, and the clerks shall then express in figures at the end of the tally list of each candidate and immediately following in writing, the number of votes received by each candidate.

162.371. Conduct of elections—ballots, secrecy provisions.—1. All elections in six-director districts shall be by ballot, except that the board may direct the use of voting machines in any or all precincts at an election when the machines are available. Convenient polling places within the district shall be designated by the board for all

elections. If there is more than one incorporated city or town within the school district, there shall be at least one polling place in each city or town. When a district includes any city, incorporated town or other political subdivision which holds an election on the same day on which the school election is held, the county clerk, board of election commissioners or other official having authority over general elections in the city, town, political subdivision and school district shall designate one polling place for both the school district and the city, town or political subdivision election in each precinct or district within the city, town or political subdivision and shall designate the election officials in each precinct who shall conduct the election for all subdivisions involved. The board of education shall designate polling places for voters who reside outside the corporate limits of cities, towns or other political subdivisions which hold elections at the same time as school elections.

2. For each polling place designated by the board under subsection 1, the board shall appoint three judges and two clerks of election. The judges and clerks shall be sworn and the election otherwise conducted in the same manner as elections for state and county officers.

3. All propositions submitted at the annual election may be voted for upon one and the same ballot, and necessary poll books shall be made out and furnished by the secretary of the board; but when an election for another political subdivision is held at the same time and place as the school election, and paper ballots are used, the ballots for the school election shall be upon separate pieces of paper and deposited in a separate ballot box kept for that purpose.

4. A ballot shall be delivered to each voter and only the voter shall deposit his ballot in the ballot box. No ballot shall be placed in the ballot box unless the names or initials of the judges appear thereon as herein provided. All paper on which such ballots are printed shall be of sufficient weight so as to eliminate transparency and prevent any party being able to read and detect how a vote was cast.

5. The result of the election at each polling place shall be certified by the judges and clerks to the secretary of the board of education, who shall record the same, and, by order of the board, shall issue certificates of election to the persons entitled thereto; and the results of all other propositions submitted must be reported to the secretary of the board, and by him duly entered upon the district records.

Section A. Emergency clause.—Because of the need to conform the statutory law of this state relating to the numbering of election ballots to recent changes in the state constitution prior to the April elections, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this shall be in full force and effect upon its passage and approval.

Approved March 24, 1977.

[H. C. S. H. B. 301]

SUFFRAGE AND ELECTIONS: Compensation of the Board of Election Commissioners.

AN ACT to repeal sections 113.070, 113.180, and 113.190, RSMo Supp. 1975, relating to the compensation of the board of election commissioners and its employees in certain counties.

SECTION

1. Enacting clause.
- 113.070. Powers and duties of election commissioners—employment of counsel—appointment of deputy commissioners—authority of judges of election to keep peace.

SECTION

- 113.180. Compensation of certain election officials—election expenses, how paid.
- 113.190. Compensation of judges and clerks—mileage expenses authorized, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 113.070, 113.180, and 113.190, RSMo Supp. 1975, are repealed and three new sections enacted in lieu thereof, to be known as sections 113.070, 113.180 and 113.190, to read as follows:

113.070. Powers and duties of election commissioners—employment of counsel—appointment of deputy commissioners—authority of judges of election to keep peace.—1. Notwithstanding any other provisions of the law to the contrary, the board of election commissioners created hereunder shall conduct all elections in political subdivisions within the purview of section 113.030 in counties coming within the provisions of sections 113.010 to 113.420 and shall receive and certify the returns thereon. The political subdivision for which the election is conducted shall give notice of the election as required by law and shall certify the candidates and issues to be voted upon to the board. The board may give additional notice of elections. The board shall appoint election judges and clerks as provided in sections 113.010 to 113.420 to serve at all elections conducted by the board. The board shall designate polling places which shall be reasonably situated for the convenience of the voters without regard to the boundaries of political subdivisions affected by the elections. When an election is held for one political subdivision it shall bear all the costs thereof. When elections are held for several political subdivisions each shall bear its proportionate share of the costs as determined by the board. It shall be the duty of the board of election commissioners to certify the returns to the proper officer upon whom falls the duty of issuing certificates of election. All municipal general elections, annual school elections, biennial fire district elections, and biennial sewer district elections in counties coming within the provisions of sections 113.010 to 113.420 shall be held on the first Tuesday in April. The board of election commissioners shall have full and complete power to employ a counselor to represent the board in legal matters in which the board is interested and to advise the board on legal matters coming before it. The term of the counselor shall not be longer than the term for which any member of the board having the longest term to serve will expire, but nothing herein contained shall preclude the reappointment of the counselor. The counselor shall not be an elected official or employed by any other political subdivision or political entity. The counselor shall, at the request of the board of election commissioners, commence, prosecute or defend, as the case may require, all suits or actions in which the board of election commissioners is interested. The board of election commissioners shall also have full power and authority to make any necessary rules and regulations for conducting the business of the board and for the expeditious and efficient handling of the business of the board, and of the board of registry thereof, not inconsistent with sections 113.010 to 113.420. The board of election commissioners shall also have power to appoint before or upon any day of election such number of deputy election commissioners, who must be qualified voters in the county, as they may deem necessary, to be divided equally between the two political parties, for the purpose of conducting a census of and ascertaining the facts and conditions relative to the residence and voting rights of persons in any election precinct or precincts, and to attend and be present at and during any election, to witness and report to the board of election commissioners any failure of duty, or any fraud or irregularities, and to do and perform any and all acts which the board of election commissioners may direct. Subject to the superior authority of the board of election commissioners, the deputy election commissioners shall have authority to keep the peace and to cause any person to be arrested for any breach of the peace or for any breach of the election laws, and it shall be the duty of all officers of the law present to obey the orders of the deputy election commissioners except as they may conflict with, or be qualified by, the order of the board of election commissioners. The deputy election commissioners shall receive compensation as determined by the board pursuant to section 113.180. The board, in addition to the other powers expressed in sections 113.010 to 113.420, shall have full power and authority to direct judges and clerks as to their duties in relation to elections

and the laws relating thereto and to compel compliance therewith; and any two of the commissioners of opposite politics shall have the power, on any day of election or before the votes are finally tabulated, to remove any judge or clerk who, in their opinion, is failing to perform his duty; and in the event of removal, the commissioners shall replace him with a judge or clerk or assistant belonging to the party of the removed judge or clerk.

2. Judges of election shall have authority to keep the peace and to cause any person to be arrested for any breach of the peace or any interference with the progress of registration or election, or of a canvass of the ballots, or for any breach of election laws, and it shall be the duty of all officers of the law to obey the order of the officials, and an officer making an arrest by the direction of the election commissioners or judges of election shall be protected in making the arrest.

113.180. Compensation of certain election officials—election expenses, how paid.—1. In all counties of this state affected by sections 113.010 to 113.420, the members of the board of election commissioners and counsel, except as otherwise provided, shall be paid as follows:

(1) The members of the board of election commissioners as such, and as members of the board of registry, as herein provided, shall each receive a salary of six thousand five hundred dollars per year, payable monthly out of the county revenue, or any revenue available for the purpose;

(2) The counselor appointed by the board of election commissioners shall receive a salary of six thousand five hundred dollars per year, payable monthly out of the county revenue, or any revenue available for the purpose.

2. The board may establish compensation and classify the positions for its permanent and temporary staff and employees at the rates and classifications the county establishes from time to time for positions under the county's merit system and shall administer the salary ranges and steps in conformity with the county's ordinances. All of the employees employed by the board shall be equally divided between the two political parties to which the commissioners belong.

3. In all elections embracing the whole county, the expenses specifically incurred for the election shall be paid by the political subdivision holding the election. When elections are held on the same day in the same precinct or precincts by two or more political subdivisions the expenses specifically incurred for the election shall be paid by the political subdivisions on a prorated basis to be determined by the board of election commissioners.

113.190. Compensation of judges and clerks—mileage expenses authorized, when.—1. All judges and clerks of registration and election under sections 113.010 to 113.420 shall be allowed and paid at the rate of thirty dollars per day.

2. The board shall designate two of the election judges appointed for an election, one from each party, supervisory judges who shall return the ballots, poll books and other required materials to the office of the board at the time and in the manner provided for in section 111.571. The supervisory judges shall be paid at the rate of thirty-five dollars per day, for returning registration books, verification books, ballots and election returns. If a private vehicle is used the supervisory judges will be reimbursed at a rate of fifteen cents a mile and return from the polling place to the turn-in location.

Approved July 6, 1977.

[S. B. 273]

SUFFRAGE AND ELECTIONS: Listing of candidates on sample ballots.

AN ACT to repeal section 120.440, RSMo 1969, relating to listing of candidates on

sample ballots, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

120.440. Sample ballots to county chairman—form and color of—candidates, how listed—errors or omissions, when corrected.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 120.440, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 120.440, to read as follows:

120.440. Sample ballots to county chairman—form and color of—candidates, how listed—errors or omissions, when corrected.—1. At least forty days before the August primary, each county clerk and board of election commissioners shall prepare sample official ballots, placing thereon in the order in which candidates file, under the appropriate title of each office and party designation, the names of all candidates to be voted for in the precincts of his county. The sample ballot shall be printed upon tinted or colored paper and shall contain no blank endorsement or certificate. The clerk shall forthwith submit the sample ballot of each party to the county chairman thereof and mail a copy to each candidate to his post-office address as given in his declaration of candidacy. He shall also post a copy of each sample ballot in a conspicuous place in his office.

2. On or before the tenth day before any primary election, the county clerk shall correct any errors or omissions in the ballots and cause the ballots to be printed and distributed as required by law in the case of ballots for the general election, except that the number of ballots to be furnished to each precinct not using voting machines shall be one and a half times the number of votes cast by any party in the last preceding primary election. If a new party qualifies for ballots the county clerk shall determine the number of ballots which shall reasonably be required and distribute such number to the precincts.

Approved May 26, 1977.

[H. C. S. S. B. 97]

SUFFRAGE AND ELECTIONS: Official ballot titles.

AN ACT to repeal section 125.030, RSMo 1969, and section 126.081, RSMo Supp. 1975, relating to official ballot titles and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
125.030. Constitutional amendments and initiative propositions how numbered—titles, contents of, length—titles who shall prepare—fiscal note summary required—appeal to circuit court, when, procedure for

SECTION

appeal—court to certify title and fiscal note, when.
126.081. Referendum and initiative petitions, duties of Secretary of State—titles how prepared—validity of signatures, how determined—fiscal note required.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 125.030, RSMo 1969, and section 126.081, RSMo Supp. 1975 are repealed and two new sections enacted in lieu thereof, to be known as sections 125.030 and 126.081 to read as follows:

125.030. Constitutional amendments and initiative propositions how numbered—titles, contents of, length—titles who shall prepare—fiscal note summary required—appeal to circuit court, when, procedure for appeal—court

to certify title and fiscal note, when.—1. Whenever the general assembly shall propose any constitutional amendment and whenever any constitutional amendment shall be proposed by the initiative petition and filed with the secretary of state, the amendments shall be numbered by the secretary of state in the order in which they are passed or filed, as "Constitutional Amendment No. 1", and so on consecutively through the number ten, then beginning with the number twenty-one and consecutively through the number thirty, and beginning with the number forty-one and consecutively through the number fifty. Such numbering shall alternate by blocks of ten numbers with measures on the ballot under section 126.081, RSMo. and no constitutional amendment shall be given the same number given to a measure filed with the secretary of state under section 126.081, RSMo. A new series of numbers shall be started after each general election in even-numbered years.

2. The official ballot title shall express the purpose of the proposed constitutional amendment in no more than thirty-five words. The official ballot title shall be a true and impartial statement of the purposes of the proposed constitutional amendment in language not intentionally argumentative nor likely to create prejudice either for or against the proposed constitutional amendment.

3. Whenever the general assembly shall propose any constitutional amendment, the committee on legislative research shall provide the official ballot title to the secretary of state within ten days after the date that the proposed constitutional amendment is passed by the general assembly. The official ballot title may be distinct from the legislative title of the proposed constitutional amendment.

4. Whenever any constitutional amendment shall be proposed by the initiative petition and filed with the secretary of state, he shall within five days thereafter transmit to the attorney general of the state a copy thereof, and within ten days thereafter the attorney general shall provide and return to the secretary of state an official ballot title for the proposed constitutional amendment.

5. The official ballot title shall also contain a fiscal note summary. The fiscal note and fiscal note summary shall be provided by the committee on fiscal affairs which shall state the estimated cost or savings to the state, if any, of the measures contained in the proposed constitutional amendment.

6. Whenever the general assembly shall propose any constitutional amendment, the committee on fiscal affairs shall provide the fiscal note summary for the official ballot title and the fiscal note to the secretary of state within ten days after the date that the proposed constitutional amendment is passed by the general assembly.

7. Whenever any constitutional amendment shall be proposed by the initiative petition and filed with the secretary of state, he shall within five days thereafter transmit to the committee on fiscal affairs a copy thereof, and within ten days thereafter the committee on fiscal affairs shall provide and return to the secretary of state the fiscal note summary for the official ballot title and the fiscal note for the proposed constitutional amendment.

8. Any citizen who is dissatisfied with the official ballot title or the fiscal note provided for any proposed constitutional amendment may appeal to the circuit court by petition within ten days after the official ballot title and fiscal note are filed with the secretary of state praying for a different official ballot title or fiscal note and setting forth the reasons why the official ballot title or fiscal note is insufficient or unfair, and making the attorney general or the director of research for the committee on legislative research party defendant. No appeal shall be allowed on an official ballot title or fiscal note unless the same is taken within ten days after they are filed with the secretary of state. A copy of every such official ballot title and fiscal note shall be served by the secretary of state or the clerk of the court upon the person offering such proposed constitutional amendment in the general assembly or filing such initiative petition or taking such appeal. Service of such official ballot title or fiscal note may be by mail or telegram and shall be made forthwith. The appeal of the ballot title shall be placed at

the top of the civil docket and the court shall make a timely consideration of the petition. The circuit court shall examine such proposed constitutional amendment, hear arguments, and in its decision thereon certify to the secretary of state an official ballot title or fiscal note for such proposed constitutional amendment in accord with the provisions and intention of this section. The secretary of state shall print on the official constitutional ballot the title thus certified to him.

126.081. Referendum and initiative petitions, duties of Secretary of State—titles how prepared—validity of signatures, how determined—fiscal note required.—1. When any measure is filed with the secretary of state, to be referred to the people by the referendum petition, and when any measure is proposed by the initiative petition, the secretary of state shall examine the petitions to determine that they comply with the provisions of the Missouri constitution and with this chapter, and upon such determination shall issue his certificate setting forth, by congressional district, the number of signatures contained on petitions that comply with this chapter and he shall within five days thereafter transmit to the attorney general of the state a copy thereof, and within ten days thereafter the attorney general shall provide and return to the secretary of state an official ballot title for the proposed measure. The official ballot title shall express the purpose of the proposed measure in no more than one hundred words and shall include a fiscal note summary. The official ballot title shall be a true and impartial statement of the purposes of the proposed measure in language not intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

2. The secretary of state shall have specific authority to determine the validity of signatures upon petitions submitted to his office under this section, and shall have the authority to not count those which are, in his opinion, forged or fraudulent signatures. For the purpose of making such determination, the secretary may consult public records, including voter registration records, for signature comparison. Names stricken from the petition lists for the reason of forgery or fraud shall be stricken within thirty days of receipt of the petition lists by the secretary of state, and shall be so noted upon the petition and the secretary of state shall notify by mail, postmarked not later than three days after the names are stricken, the individual or group who submitted the petition of the action taken by him. Within ten days after receiving the notice from the secretary of state, the individual or group submitting the petition may bring an action in the circuit court of Cole county to compel the secretary of state to show cause why the names were so stricken. If notice is not given by the secretary of state as required by this subsection, his action in striking the names from the petition shall be void and of no effect.

3. After the attorney general returns the measure to the secretary of state with the official ballot title, the secretary of state shall number each measure in the order in which they were filed with him as "Proposition No. 11", and soon consecutively through the number twenty, then beginning with the number thirty-one and consecutively through the number forty, and beginning with the number fifty-one and consecutively through the number sixty. Such numbering shall alternate by blocks of ten numbers with constitutional amendments on the ballots under section 125.030, RSMo, and no measure shall be given the same number given to a constitutional amendment under section 125.030, RSMo. A new series of numbers shall be started after each general election in even-numbered years.

4. Whenever any measure shall be proposed by the initiative petition or by referendum petition and filed with the secretary of state, he shall within five days thereafter transmit to the committee on fiscal affairs a copy thereof, and within ten days thereafter the committee on fiscal affairs shall provide and return to the secretary of state the fiscal note summary for the official ballot title and a fiscal note for the proposed measure. The fiscal note shall state the estimated cost or savings, if any, of the measure to be voted upon.

5. Any citizen who is dissatisfied with the official ballot title or fiscal note

provided for any proposed measure may appeal to the circuit court by petition within ten days after the official ballot title and fiscal note are filed with the secretary of state praying for a different official ballot title or fiscal note and setting forth the reasons why the official ballot title or fiscal note is insufficient or unfair, and making the attorney general party defendant. No appeal shall be allowed on an official ballot title or fiscal note unless the same is taken within ten days after the official ballot title or fiscal note is filed with the secretary of state. A copy of every such official ballot title and fiscal note shall be served by the secretary of state or the clerk of the court upon the person filing such initiative petition, referendum petition, or taking such appeal. Service of such official ballot title and fiscal note may be by mail or telegram and shall be made forthwith. The appeal of the ballot title or fiscal note shall be placed at the top of the civil docket and the court shall make a timely consideration of the petition. The circuit court shall examine such proposed constitutional amendment, hear arguments, and in its decision thereon certify to the secretary of state an official ballot title or fiscal note for such proposed measure in accord with the provisions and intention of this section. The secretary of state shall print upon the official proposition ballot the title thus certified to him.

Approved June 14, 1977.

(S. C. S. S. B. 387, 348, and 297)

TAXATION AND REVENUE: Property tax credit allowable against state income tax.

AN ACT to repeal section 135.030, RSMo Supp. 1975, relating to the method of computing the amount of property tax credit allowable against state income tax for certain persons, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

135.030. Formula for determining credits—table to be prepared by director of revenue.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 135.030, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 135.030, to read as follows:

135.030. Formula for determining credits—table to be prepared by director of revenue.—If the income on a return is seven thousand five hundred dollars or less, the property tax credit shall be determined from a table of credits based upon the amount by which the total property tax described in section 135.025 exceeds the percent of income in the following list:

If the income on a return is:

Not over \$2,400

Over \$2,400 but not over \$4,000

Over \$4,000 but not over \$6,200

Over \$6,200 but not over \$7,500

The percent is:

0 percent with credit not to exceed actual property tax or rent equivalent paid up to \$500.

$\frac{1}{4}$ percent accumulative per \$200

$\frac{1}{4}$ percent accumulative per \$200.

4 percent

The director of revenue shall prescribe a table based upon the preceding sentences. The property tax shall be in increments of twenty-five dollars and the income in increments of two hundred dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the basis of the property tax and income at the midpoints of each increment. As used in this section, the term "accumulative" means an increase by

continuous or repeated application of the percent to the income increment at each two hundred dollar level.

Approved July 12, 1977.

[H. C. S. S. B. 214]

TAXATION AND REVENUE: Exemption from assessment of certain real property improvements.

AN ACT relating to the exemption from assessment of certain real property improvements.

SECTION

1. Deferred maintenance, defined.
2. Scope of sections.

SECTION

3. Assessment of deferred maintenance improvements postponed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Deferred maintenance, defined.—1. As used in this act, "deferred maintenance" means maintenance, repairs or replacements, as described in this section, to an existing dwelling consisting of four or fewer residential units. It does not mean the addition of new construction to an existing building which increases the number of square feet of living space.

2. Deferred maintenance includes the maintenance, repair or replacement of the following:

- (1) Broken floor joists, missing sections or collapsed interior floors;
- (2) Improperly installed or collapsing partitions, loose or missing plaster;
- (3) Broken or missing sash, frames or window panes;
- (4) Inadequate light or ventilation;
- (5) Missing or defective weather stripping or storm windows;
- (6) Missing or broken doors;
- (7) Collapsed or broken stairs, stairways or stair railings;
- (8) Missing or inoperative sanitary facilities;
- (9) Hazardous gas or electric installations;
- (10) Leaking sinks or defective drainboards;
- (11) Improperly installed, obstructed, broken or leaking piping, drains, vents or traps;

- (12) Inoperative or obsolete heating plant;

(13) Electrical insulation missing or damaged, overloaded electrical circuits, improper electrical installations or connections;

(14) Split or buckled basement support beams, open breaks or severe settlement in basement walls;

- (15) Inadequate exterior wall and attic insulation;

- (16) Open cracks or breaks in exterior building walls;

- (17) Holes or cracks through roof, defective roof flashing or skylights;

- (18) Collapsing or deteriorating chimneys;

- (19) Broken or missing gutters and downspouts;

- (20) Rotted fascia boards, eaves, soffits and cornices;

- (21) Collapsed or broken porch joists, columns or railings;

- (22) Rotted or broken porch flooring;

- (23) Missing or broken step treads; and

- (24) Exterior or interior paint.

Section 2. Scope of sections.—The provisions of this act shall apply only to the deferred maintenance of dwellings of four or fewer residential units which is begun during the period January 1, 1978, to December 31, 1983.

Section 3. Assessment of deferred maintenance improvements postponed.—In making assessments of real property as required by the provisions of section 137.115, RSMo, and in order to provide for the renovation of obsolete properties as authorized by section 7 of article X of the Missouri constitution, the county assessor shall not, for a period of five years after a deferred maintenance activity has been begun, add to the assessed value of a dwelling of four or fewer residential units any additional assessed value because of deferred maintenance which has been begun upon such property during the period prescribed in section 2 of this act, except that, before any county assessor shall refrain from adding additional assessed valuation because of a deferred maintenance activity he shall determine that the property in question is on the tax rolls of the county and that no delinquent taxes on such property are due.

Approved July 18, 1977.

[H. B. 366]

TAXATION AND REVENUE: Assessment of estates.

AN ACT to repeal section 137.145, RSMo 1969, relating to the assessment of estates.

SECTION

1. Repealing clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Repealing clause.—Section 137.145, RSMo 1969, is repealed.

Approved July 29, 1977.

[H. C. S. H. B. 77]

TAXATION AND REVENUE: Duties and compensation of members of the State Tax Commission.

AN ACT to repeal section 138.230, RSMo, 1969, relating to the duties and compensation of the members of the state tax commission, and to enact in lieu thereof one new section relating to same subject.

SECTION

1. Enacting clause.

SECTION

138.230. Compensation and expenses.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 138.230, RSMo, 1969 is repealed and one new section enacted in lieu thereof, to be known as section 138.230, to read as follows:

138.230. Compensation and expenses.—Each commissioner shall receive fifteen thousand dollars per annum as compensation for his services, and reasonable traveling and other expenses actually paid and necessary to the performance of the duties of his office.

Approved July 6, 1977.

[C. C. S. S. H. B. 401]

TAXATION AND REVENUE: Maintenance of certain public roads.

AN ACT relating to the maintenance of certain public roads, through a refund to

certain counties of unclaimed motor fuel tax sold for use other than propelling motor vehicles upon the public highways of this state.

SECTION

1. Invoice records of sales to marinas in certain counties to be sent to director of revenue.
2. Information to be shown on invoice.

SECTION

3. Refunds of unclaimed fuel tax refunds to certain counties, when.
4. Refunds to counties to be expended, how.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Invoice records of sales to marinas in certain counties to be sent to director of revenue.—Each distributor of motor vehicle fuel upon which a tax is imposed under Chapter 142, RSMo, shall forward to the department of revenue not later than the last day of the month next following the month of delivery, a copy of the invoice for each delivery of such fuel to a marina or other retailer who sells such fuel to the ultimate consumer for use in a boat or ship operating on the waterways of the state and which is located in a county containing any part of a lake having one hundred miles of shoreline or more.

Section 2. Information to be shown on invoice.—Each invoice submitted to the department of revenue shall include the name and address of the purchaser, the county in which the fuel was delivered, the quantity of fuel delivered and the amount of motor vehicle fuel tax collected thereon.

Section 3. Refunds of unclaimed fuel tax refunds to certain counties, when.—No later than July first of each year, the department of revenue shall compare the invoices for delivery of fuel in each county for use in boats or ships during the previous year with the sales slips submitted to support claims for refund of motor vehicle fuel tax as provided in Section 142.230, RSMo, and shall, with the approval of the highway department, pay to each county the amount by which the tax paid in the county on sales of fuel for use in boats or ships exceeds the tax refunded on fuel purchased in the county.

Section 4. Refunds to counties to be expended, how.—The refunds of motor fuel tax received by each county under the provisions of this act shall be used by that county for the construction, repair and maintenance of public roads in the county which connect a state highway with a lake having one hundred miles of shoreline or more and for no other purpose.

Approved July 28, 1977.

[S. B. 46]

TAXATION AND REVENUE: Criteria determining adjusted gross income for purposes of income tax.

AN ACT to repeal section 143.121, RSMo Supp. 1975, relating to the criteria for determining the adjusted gross income for purposes of income tax, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SECTION

1. Enacting clause.
- 143.121. Missouri adjusted gross income.

SECTION

- A. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 143.121, RSMo Supp. 1975 is repealed and two new sections enacted in lieu thereof, to be known as section 143.121 and section A, to read as follows:

143.121. Missouri adjusted gross income.—1. The Missouri adjusted gross

income of a resident individual shall be his federal adjusted gross income subject to the modifications in this section.

2. There shall be added to his federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit.

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code of 1954. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in 3 (a) of this section. The amount added under this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code of 1954. The reduction shall only be made if it is at least five hundred dollars.

3. There shall be subtracted from his federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes under the laws of the United States. The amount subtracted under this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining his federal adjusted gross income or included in his Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars.

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain.

(c) The amount necessary to prevent the taxation under sections 143.011 to 143.996 of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(e) The amount of any Missouri income tax refund for a prior year which was included in the federal adjusted gross income.

4. There shall be added to or subtracted from his federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from his federal adjusted gross income the modifications provided in section 143.411.

Section A. Effective date.—The provisions of this act shall become effective January 1, 1978.

Approved July 7, 1977.

[H. C. S. S. S. B. 451]

TAXATION AND REVENUE: Income taxation.

AN ACT to repeal sections 143.131 and 143.141, RSMo Supp. 1975, relating to income

taxation and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
143.131. Missouri standard deduction, when authorized—allowable federal itemized deduction, how computed.

SECTION

143.141. Itemized deductions when authorized, how computed.
A. Provisions of Sections 143.131 and 143.141 effective, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 143.131 and 143.141, RSMo Supp. 1975 are repealed and two new sections enacted in lieu thereof, to be known as sections 143.131 and 143.141, to read as follows:

143.131. Missouri standard deduction, when authorized—allowable federal itemized deduction, how computed.—1. The Missouri standard deduction may be deducted in determining Missouri taxable income of a resident individual unless the taxpayer or his spouse has elected to itemize his deduction as provided in section 143.141. A taxpayer for whom an unused zero bracket computation is provided by Section 63(e) of the Internal Revenue Code of 1954 shall be treated as electing to itemize deductions for purposes of this section and section 143.141, and the excess of the taxpayer's zero bracket amount over his unused zero bracket amount shall be treated as his allowable federal itemized deduction.

2. The Missouri standard deduction shall be the allowable federal standard deduction including the zero bracket amount as set forth in section 63(d) of the Internal Revenue Code of 1954 and applied in the federal tax tables.

143.141. Itemized deductions when authorized, how computed.—If federal taxable income of a resident individual is determined by itemizing deductions from his federal adjusted gross income, he may elect to deduct his Missouri itemized deduction in lieu of his Missouri standard deduction. The Missouri itemized deduction of a resident individual means the allowable federal itemized deductions which consist of allowable federal deductions other than those allowable in arriving at federal adjusted gross income and other than the federal deductions for personal and dependency exemptions, with the following modifications:

(1) Reduced by any amount thereof representing the tax imposed by sections 143.010 to 143.996.

(2) Reduced by any amount thereof representing any income taxes imposed by another state of the United States or a political subdivision thereof or the District of Columbia.

(3) Increased to the extent not otherwise deductible, by the taxes for the same taxable year for which the return is being filed that are imposed by the following provisions of the Internal Revenue Code of 1954:

(a) Section 3101, relating to the tax on employees under the Federal Insurance Contributions Act.

(b) Sections 3201 and 3211, relating to the taxes on railroad employees and railroad employee representatives under the Railroad Retirement Tax Act.

(c) Section 1401, relating to tax on self-employment income.

Section A. Provisions of Sections 143.131 and 143.141 effective, when.—The provisions of this act shall apply with respect to all taxable years beginning after December 31, 1976.

Approved July 15, 1977.

AN ACT to repeal sections 144.025 and 144.320, RSMo 1969, and sections 144.010 and 144.070, RSMo Supp. 1975, relating to sales tax and to enact in lieu thereof five new sections relating to the same subject.

SECTION

1. Enacting clause.
- 144.025. Tax on trade-in, how computed.
- 144.070. Motor vehicle or trailer tax on purchase or lease of—option granted lessor—application to act as motor vehicle leasing company.

SECTION

- 144.071. Recision of sale requires tax refund, when.
- 144.010. Definitions.
- 144.320. Records required to be kept.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 144.025 and 144.320, RSMo 1969, and sections 144.010 and 144.070, RSMo Supp. 1975, are repealed and five new sections enacted in lieu thereof to be known as sections 144.010, 144.025, 144.070, 144.071 and 144.320, to read as follows:

144.025. Tax on trade-in, how computed.—Other provisions of law notwithstanding, in any retail sale where any article on which a sales or use tax has been paid to this state is taken in trade as a credit or part payment on the purchase price of the article being sold and the difference between the trade-in allowance and the purchase price exceeds two hundred dollars, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price in excess of the actual allowance made for the article traded in or exchanged, provided there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. Where the trade-in or exchange allowance exceeds the purchase price of the purchased article there shall be no sales tax owed. This section shall also apply to motor vehicles sold at retail by the owner if the seller purchases a replacement motor vehicle within 30 days from the date of the sale of the original article and a notarized bill of sale showing the paid retail sale price is presented to the Department of Revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office.

144.070. Motor vehicle or trailer tax on purchase or lease of—option granted lessor—application to act as motor vehicle leasing company.—1. At the time the owner of any new or used motor vehicle or trailer which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the automobile or trailer as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle or trailer, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle or trailer subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as herein provided or is registered under the provisions of subsection 5 of this section.

2. As used above, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of said motor vehicle or trailer, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by him upon such application an entry showing that such sales tax has been paid or that the vehicle represented by said certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles or trailers, which are to be used exclusively for rental or lease purposes, and not for resale may apply to the director of revenue for authority to operate as a leasing company. Any company approved by the director of revenue may pay the tax due on any motor vehicle or trailer as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle or trailer is domiciled in this state. Any motor vehicle, which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle or trailer from one of its divisions to another of its divisions as a sale at retail within the meaning of subdivision (9) of subsection 1 of section 144.010;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230, RSMo. each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions.

7. If the owner of any motor vehicle or trailer desires to charge and collect sales tax as provided hereinabove, he shall make application to the director of revenue for a permit to operate as a motor vehicle or trailer leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Said regulations shall apply only to owners of motor vehicles or trailers, electing to qualify as motor vehicle or trailer leasing companies under the provisions of subsection 5 of section 144.070, and no motor vehicle renting or leasing or trailer renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all vehicles held for renting and leasing are included.

144.071. Recision of sale requires tax refund, when.—1. In all cases where the purchaser of a motor vehicle rescinds the sale of that vehicle and receives a refund of the purchase price and returns the vehicle to the seller within sixty calendar days from the date of the sale, the sales or use tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any recision whereby a seller reacquires title to the motor vehicle sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the vehicle shall be entitled to a refund of any sales or use tax paid as a result of the reacquisition of the motor vehicle, upon proper application to the director of revenue.

3. Any city sales tax refunds shall be deducted by the director of revenue from the next remittance made to that city.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

144.010. Definitions.—1. The following words, terms, and phrases when used in sections 144.010 to 144.510 have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) For the purposes of sections 144.010 to 144.510 the term "admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges

made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.510.

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.510. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business does not constitute engaging in business, within the meaning of sections 144.010 to 144.510 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or non-business enterprise, exceeds three thousand dollars in any calendar year. The provisions of this paragraph shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977 subject to that tax thereafter.

(3) Whenever the term "circuit court" shall appear in sections 144.010 to 144.510, it shall be construed to include both circuit courts and courts of common pleas, within and to the extent of the jurisdiction of such courts.

(4) "Gross receipts" means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; provided, however, that "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.510 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.510 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made; in such cases the same shall be taxable as if outright sale were made and considered as a sale of such article and the tax shall be computed and paid by the lessee upon the rentals paid.

(5) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. All persons renting or leasing trailers or motor vehicles do not need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided.

(6) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state highway department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number.

(7) The word "purchaser" whenever used in sections 144.010 to 144.510 means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.510.

(8) The term "sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.510.

(9) "Sale at retail" means any transfer made by any person engaged in business as

defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; provided, however, that for the purposes of sections 144.010 to 144.510 and the tax imposed thereby, purchases of tangible personal property made by duly licensed physicians, dentists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale. Further provided, the selling of computer printouts, computer output or microfilm or microfiche and computer assisted photo compositions to a purchaser to enable the purchaser to obtain for his own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.510 and the tax imposed thereby, it shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local or long distance, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the public service commission of Missouri, engaged in the transportation of persons for hire.

(10) The word "seller" when used in sections 144.010 to 144.510 means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed under section 144.020.

(11) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he is required to report his collections, as the context may require.

(12) Any rule promulgated pursuant to this chapter shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire on November 30, 1981.

2. Sections 144.010 to 144.510 may be known and quoted as the "Sales Tax Law."

144.320. Records required to be kept.—Every person engaged in the businesses herein described in this state shall keep such records and books as may be required by Title 26, the United States Code, for federal income tax purposes. Such books and records and other papers and documents shall, at all times during business hours of the day, be subject to inspection by the director of revenue or his duly authorized agents and employees. Such books and records shall be preserved for a period of at least two years, unless the director of revenue, in writing, authorized their destruction or disposal at any earlier date.

Approved July 27, 1977.

AN ACT to repeal section 144.030, RSMo 1969, relating to sales and use tax exemptions and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

144.030. Exemptions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 144.030, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 144.030, to read as follows:

144.030. Exemptions.—1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.510 and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.510 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing under the constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, no tax shall be paid or collected under sections 144.010 to 144.510 upon the sale at retail of any motor fuel subject to an excise or sales tax under another law of this state; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current, or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry which is to be used in the feeding of livestock or poultry to be sold ultimately in processed form or otherwise at retail; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered under the provisions of the Missouri Economic Poisons Law (sections 263.270 to 263.380, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail.

3. There are also specifically exempted from the provisions of sections 144.010 to 144.510 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.510 and 144.600 to 144.745:

(1) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials and manufactured goods which are ultimately consumed in the manufacturing process by becoming, in whole or in part, a component part or ingredient of steel products intended to be sold ultimately for final use or consumption;

(2) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(3) Machinery and equipment, and the materials and supplies solely required for the installation or construction of such machinery and equipment, replacing and used for the same purposes as the machinery and equipment replaced by reason of design or product changes, which is purchased for and used directly for manufacturing or fabricating a product which is intended to be sold ultimately for final use or consumption;

(4) Machinery and equipment, and the materials and supplies solely required for

the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption:

(5) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(6) Animals or poultry used for breeding or feeding purposes;

(7) Newsprint used in newspapers published for dissemination of news to the general public;

(8) The rental of films, records or any type of sound or picture transcriptions;

(9) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(10) Railroad rolling stock for use in transporting persons or property in interstate commerce;

(11) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used;

(12) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(13) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, provided that any action by the director under this section may be appealed to the air conservation commission which may uphold or reverse said action;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, provided that any action by the director under this section may be appealed to the Missouri clean water commission which may uphold or reverse said action;

(15) Tangible personal property purchased by a rural water district.

Approved July 27, 1977.

[H. B. 73]

TAXATION AND REVENUE: Sales tax fees at governmentally owned or operated recreational areas.

AN ACT relating to exemption from the sales tax of fees charged or collected for participation in activities at governmentally owned or operated participation recreational areas.

SECTION

1. Exemption from tax on participation charges for athletic events, amusements, recreation or games where charge made benefits a political subdivision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Exemption from tax on participation charges for athletic events, amusements, recreation or games where charge made benefits a political subdivision.—In addition to the exemptions under section 144.030, RSMo, there shall also be exempted from the provisions of sections 144.010 to 144.510, RSMo, all amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events owned or operated by a municipality or other political subdivision where the individual making the payment or subject to the charge is actually participating in the amusement, entertainment, recreation, game or athletic event and is not merely a spectator or viewer thereof and where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation.

Approved July 28, 1977.

[H. B. 394]

TAXATION AND REVENUE: Director of Revenue to furnish tax books to every probate judge.

AN ACT to repeal section 145.340, RSMo 1969, relating to the duty of the director of revenue to furnish tax books to every probate judge.

SECTION

1. Repealing clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Repealing clause.—Section 145.340, RSMo 1969, is repealed.

Approved July 19, 1977.

[H. B. 130]

EDUCATION AND LIBRARIES: Administration of education.

AN ACT to repeal sections 51.163, 148.360, 160.041, 162.061, 162.291, 162.351, 162.471, 162.492, 163.091, 163.111, 163.121, 163.181, 165.011, 165.031, 165.051, 165.061, 165.091, 165.101, 165.161, 165.281, 167.241, 170.021, 171.151, 177.101, 178.160, 178.180, 178.530 and 304.060, RSMo 1969, and sections 8.610, 148.360, 162.675, 162.695, 162.700, 162.705, 162.750, 162.755, 162.890, 162.945, 162.960, 162.970, 164.031, 165.021, 165.131, 167.171, 167.231, 168.022, 195.300, 178.280 and 610.010, RSMo Supp. 1975, and section 162.581, RSMo Supp. 1976, and sections 160.011 and 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 38 and approved June 27, 1973, and as printed in RSMo Supp. 1975, and sections 160.011 and 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 158 and approved August 9, 1973 and as printed in RSMo Supp. 1975, and section 1 of an act of the second regular session of the seventy-eighth general assembly known as senate bill no. 916 and approved June 16, 1976, and repealing Chapter 179, RSMo, and RSMo Supp. 1975, and sections 162.091, 162.101, 162.131, 165.191, 167.031, 167.111, 170.111, 192.130, RSMo 1969, and sections 162.161 and 163.081, RSMo Supp. 1975, and section 167.071, RSMo Supp. 1976, all relating to the administration of education in this state, and to enact in lieu thereof sixty-five new sections relating to the same subject.

SECTION

- A. Enacting clause.
- 8.610. Public use buildings, constructed using state or local tax funds to comply with Sections 8.610 to 8.650.
- 51.163. Report of county clerk to State Board of Education.
- 148.360. County foreign insurance tax money distributed to counties—basis.
- 160.011. Definitions.
- 160.041. Minimum school day, school week, school month and school year defined—days lost due to inclement weather, how made up.
- 162.013. School board may purchase liability insurance for members for claims arising out of board actions.
- 162.061. Notice, how given.
- 162.222. Majority vote required in each district affected by proposed consolidation.
- 162.291. Directors—election—qualifications.
- 162.351. Election commissioners to conduct elections in certain districts.
- 162.471. Board of directors—qualifications, terms, vacancies.
- 162.492. Director districts, candidates from districts and at large—terms—declaration of candidacy, filing of—tie vote, how resolved—vacancies, how filled (urban districts).
- 162.581. Qualifications of board members—oath—compensation.
- 162.675. Definitions.
- 162.695. Census of handicapped students required—information to be obtained.
- 162.700. Special educational services required, when—diagnostic reports, how obtained—remedial reading programs, how funded.
- 162.705. Contracts with other districts for special educational services—costs, how paid—district must provide services, when.
- 162.750. Special district may contract for special educational services for severely handicapped children.
- 162.755. Transportation to be provided for children, when.
- 162.890. Special district to assume full responsibility for handicapped or severely handicapped children—exception, transition period.
- 162.945. Notice to parent or guardian of diagnosis—contents of notice.
- 162.961. Hearing, how conducted—appeal, how taken—review panel, how formed, procedure before, recommendation of—further review by appropriate board, when.
- 162.962. Hearing by appropriate board, when held, notice of, findings and decision, when due.
- 162.963. Witnesses may be cross-examined,

SECTION

- by whom—record of proceedings, how kept—costs, how paid.
- 162.970. Allocation of costs to district of domicile—institutions which house handicapped children, requirements for—domicile of child, defined.
- 163.011. Definitions.
- 163.091. Correction of errors in apportionment of state aid.
- 163.111. State aid for new central high school buildings.
- 163.121. State aid for new buildings in reorganized districts.
- 163.181. Aid for city teacher-training schools, paid when—report required.
- 164.031. Form of ballot.
- 165.011. District funds—allocation of moneys—transfers—tuition paid from what funds.
- 165.021. Disbursal of school moneys—form of warrant—warrant not honored, when.
- 165.031. Duplicate check may issue, when.
- 165.051. Investment of surplus funds.
- 165.061. Duties of treasurer.
- 165.091. School money, how disbursed.
- 165.101. Treasurer of six-director district to account to board, when, effect of county clerk's certification.
- 165.131. Tax anticipation notes, when issued—form of.
- 165.161. Disbursements in metropolitan districts, how made.
- 165.281. Penalty for refusal to pay check.
- 167.171. Summary suspension of pupil—appeal—grounds for suspension—procedure.
- 167.231. Transportation of pupils by district, except metropolitan—petition, election—form of ballot.
- 167.232. Six-director district may rescind requirement to transport pupils living more than one-half mile from school, procedure for—form of ballot.
- 167.241. Transportation of pupils to another district.
- 170.057. Incidental fund moneys may be used for books, supplies and educational television.
- 171.151. Daily register required, contents of.
- 177.101. Public parks and playgrounds, six-director board may establish.
- 178.160. State to furnish funds for readers for blind students, when.
- 178.180. Compensation of reader, how and when paid.
- 178.280. Board of directors of six-director district may conduct summer schools.
- 178.530. State board to establish standards, inspect and approve schools—local boards to report—allocation of money.

SECTION

- 304.060. School buses and other district owned vehicles, use of regulated by board—violation by employee, effect of—design of school buses regulated by board.
- 610.010. Definitions.
1. High school equivalency certificate may be issued by state board, when.
 2. Examinations for high school equivalency certificate, what tests acceptable.
 3. Fee for examination.
 4. Chauffer's license not required to transport pupils, when.
 5. Emergency fifth school moneys distribution, when.
- 162.091. Neglect or refusal to comply with school laws by public official a misdemeanor, penalty.
- 162.101. County board of education in first class counties, terms, qualifications.

SECTION

- 162.131. Meetings, written notice required, quorum.
- 162.161. Duties of county board of education.
- 163.081. Secretary to report to state department, when, contents—duties of State Board of Education to calculate state aid.
- 167.031. School attendance compulsory, who may be excused.
- 167.071. School attendance officers in six-director districts, powers and duties—powers of police officers in certain areas.
- 167.111. Officials to enforce compulsory attendance law.
- 170.111. Publisher to furnish duplicate price lists to clerk.
1. Rules to expire, when, exception—authority to promulgate rules abolished effective November 30, 1981.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 51.163, 148.360, 160.041, 162.061, 162.291, 162.351, 162.471, 162.492, 163.091, 163.111, 163.121, 163.181, 165.011, 165.031, 165.051, 165.061, 165.091, 165.101, 165.161, 165.281, 167.241, 170.021, 171.151, 177.101, 178.160, 178.180, 178.530, and 304.060, RSMo 1969, and sections 8.610, 148.360, 162.675, 162.695, 162.700, 162.705, 162.750, 162.755, 162.890, 162.945, 162.960, 162.970, 164.031, 165.021, 165.131, 167.171, 167.231, 168.022, 195.300, 178.280 and 610.010, RSMo Supp. 1975, and section 162.581, RSMo Supp. 1976, and sections 160.011 and 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 38 and approved June 27, 1973, and as printed in RSMo Supp. 1975 and sections 160.011 and 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 158 and approved August 9, 1973, and as printed in RSMo Supp. 1975, and section 1 of an act of the second regular session of the seventy-eighth general assembly known as senate bill no. 916 and approved June 16, 1976, and sections 162.091, 162.101, 162.131, 165.191, 167.031, 167.111, 170.111, 192.130, RSMo 1969, and sections 162.161 and 163.081, RSMo Supp. 1975 and section 167.071, RSMo Supp. 1976, are repealed and sixty-five new sections enacted in lieu thereof to be known as sections 8.610, 51.163, 148.360, 160.011, 160.041, 162.013, 162.061, 162.222, 162.291, 162.351, 162.471, 162.492, 162.581, 162.675, 162.695, 162.700, 162.705, 162.750, 162.755, 162.890, 162.945, 162.961, 162.962, 162.963, 162.970, 163.011, 163.091, 163.111, 163.121, 163.023, 163.181, 164.031, 165.011, 165.021, 165.051, 165.091, 165.131, 165.281, 167.171, 167.231, 167.232, 167.241, 170.021, 170.057, 171.151, 177.101, 178.160, 178.180, 178.280, 178.530, 304.060, 610.010, 1, 2, 3, 4, and 5, 162.091, 162.101, 162.131, 163.161, 163.081, 167.031, 167.071, 167.111 and 170.111, to read as follows:

8.610. Public use buildings, constructed using state or local tax funds to comply with Sections 8.610 to 8.650.—In all buildings and facilities for public use and assembly which are constructed in whole or in part by the use of state funds, or the funds of any political subdivision of this state, the principles, standards and specifications set forth in sections 8.610 to 8.650 shall apply.

51.163. Report of county clerk to State Board of Education.—Each county clerk, on or before the thirtieth day of June, annually, shall make out and transmit to the state board of education, at Jefferson City, an abstract of all the returns of school districts in his county made to him according to the form prescribed by the state board of education; also the amount of income of the school funds of the county, and the amount realized from taxes collected therein.

148.360. County foreign insurance tax money distributed to counties—basis.—On or before the first day of October of each year, the commissioner of administration shall apportion to the school districts of the state, on the basis of the number of school children in each, as shown by the last enumeration, certified by the commissioner of education, all of the moneys to the credit of the county foreign insurance tax fund, and warrants shall be issued in favor of the treasurers of the school districts.

160.011. Definitions.—As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177, 178 and 179, RSMo, unless the context otherwise requires:

(1) "District" or "school district" when used alone, may include six-director, urban, and metropolitan school districts;

(2) "Elementary school" means a public school giving instruction in two or more grades not higher than the eighth grade;

(3) "Freeholder" means any person who has an estate in land which may be inherited or an estate in land for life or for an indeterminate period, including any tenant by the entirety;

(4) "High school" means a public school giving instruction in two or more grades not lower than the ninth nor higher than the twelfth grade;

(5) "Householder" means the head of a family who occupies a place of residence together with his family or his spouse;

(6) "Metropolitan school district" means any school district the boundaries of which are coterminous with the limits of any city which is not within a county;

(7) "Public school" includes all elementary and high schools operated at public expense;

(8) "School Board" means the board of education having general control of the property and affairs of any six-director, urban or metropolitan school district;

(9) "School term" means a nine to ten months' period during a twelve month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. A "school term" may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children;

(10) "Secretary" means the secretary of the board of a school district;

(11) "Six-director district" means any school district which has six directors and includes urban districts regardless of the number of directors an urban district may have;

(12) "Taxpayer" means any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve months' period or the spouse of such individual;

(13) "Town" means any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

(14) "Urban school district" means any district which includes all or more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.041. Minimum school day, school week, school month and school year defined—days lost due to inclement weather, how made up.—1. The "minimum school day" consists of six hours in which the pupils are under the guidance and direction of teachers in the teaching process; except that, if any school is dismissed because of inclement weather after school has been in session for four or more hours that day shall count as a full day and if school has been in session for two hours or more and less than four hours that session shall be counted as one-half day. Days dismissed for legal school holidays and teachers' meetings and workshops shall be counted as school days for determining "school weeks" and months. A "school month" consists of four

weeks of five days each. The "school year" commences on the first day of July and ends on the thirtieth day of June following.

2. Days or half days lost due to inclement weather may be made up by extending a regular school day for one-half hour past the regular six hours and the accumulation of six such one-half hour extensions shall constitute a half day and the accumulation of twelve such extensions shall constitute a full school day.

162.013. School board may purchase liability insurance for members for claims arising out of board actions.—The school board of any school district in the state may purchase and maintain insurance for members of the board of education, individually, against any liabilities incurred as board members.

162.061. Notice, how given.—Unless otherwise prescribed by this law notice of any special election in any school district or of any proposal to be voted on at an annual election, when required by law, shall be in writing and shall be given either by posting written notices in at least five public places within the district at least fifteen days before the election, or by publishing the notice in a newspaper within the county in which all or a part of the district is located which has general circulation within the district, once a week for two consecutive weeks, the first publication to be at least fifteen days before and the last publication to be at least seven days before the date of the election. The method of giving notice shall be determined by the school board of the district by an order entered on the records of the district. Each notice shall contain a brief statement of the questions or proposals to be voted on at the election.

162.222. Majority vote required in each district affected by proposed consolidation.—Notwithstanding the provisions of any section in Chapter 162, in proceedings limited to the consolidation of two or more adjoining districts, a majority of the votes cast in each district to be affected favoring consolidation shall be required before a new district can be formed.

162.291. Directors—election—qualifications.—The voters of each six-director district other than urban districts shall, annually, on the first Tuesday of April, elect two directors who are citizens of the United States and resident taxpayers of the district, who have resided in this state for one year next preceding their election or appointment, and who are at least twenty-four years of age.

162.351. Election commissioners to conduct elections in certain districts.—In any urban school district in a city having a population of more than three hundred thousand or in any six-director school district located wholly within a city having a population of more than two hundred thousand and less than seven hundred thousand, or in any six-director school district in a county having a population of more than seven hundred thousand the boards of election commissioners of the city or county or both in which the district is located shall conduct any or all school elections held in the district. When any school election is held it shall be conducted in all respects in accordance with the laws relating to election of state, county or city officers, including the laws governing the eligibility and registration of voters, and to the applicable law relating to the submission of bond issues within the jurisdiction of the board of election commissioners which conducts the election, except that the board of election commissioners may, in its discretion, combine precincts in elections when directors are being voted upon. The cost of the election, if only school issues are submitted, shall be paid by the school district; but when the school election is held at the same time and place as elections for city or county officers, only the additional cost incurred in connection with the printing required by the school election shall be paid by the school district.

162.471. Board of directors—qualifications, terms, vacancies.—The government and control of an urban school district is vested in a board of six directors, except that in urban districts containing the greater part of a city of more than three hundred thousand inhabitants the board shall be composed of nine directors. Each

director shall be a resident taxpayer of the district, who has resided within this state for one year next preceding his election or appointment and who is at least twenty-four years of age. All directors, except as herein provided, hold their offices for six years and until their successors are duly elected and qualified. All vacancies occurring in the board shall be filled by appointment by the board as soon as practicable, and the person appointed shall hold his office until the next biennial election, when his successor shall be elected for the remainder of the unexpired term. The power of the board to perform any official duty during the existence of a vacancy continues unimpaired thereby.

162.492. Director districts, candidates from districts and at large—terms—declaration of candidacy, filing of—tie vote, how resolved—vacancies, how filled (urban districts).—1. In all urban districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants the terms of the members of the board of directors in office in 1967 shall continue until the end of the respective terms to which each of them has been elected to office and in each case thereafter until the next school election to be held and until their successors, then elected, are duly qualified, as provided in this section.

2. In each urban district designated in subsection 1, the board of election commissioners of the city in which the greater portion of the school district lies, and of the county if the district includes territory not within the city limits, shall serve ex officio as a redistricting commission. The commission shall on or before November 1, 1969, divide the school district into six subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in the number of inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as soon as practicable after each United States decennial census. In establishing the subdistricts each member shall have one vote and a majority vote of the total membership of the commission is required to make effective any action of the commission.

3. Except as otherwise provided herein, school elections for the election of directors shall be held on the first Tuesday following the first Monday in June in each even-numbered year. At the election in 1970, one member of the board of directors shall be elected by the voters of each subdistrict. The six candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict shall be elected and the at-large candidate receiving a plurality of the at-large votes shall be elected. In addition to other qualifications prescribed by law, each member elected from a subdistrict must be a resident of the subdistrict from which he is elected. The subdistricts shall be numbered from one to six and the directors elected from subdistricts one, three and five shall hold office for terms of two years and until their successors are elected and qualified, and the directors elected from subdistricts two, four and six shall hold office for terms of four years and until their successors are elected and qualified. Every two years thereafter a member of the board of directors shall be elected for a term of four years and until his successor is elected and qualified from each of the three subdistricts having a member on the board of directors whose term expires in that year. Those members of the board of directors who were in office in 1967 shall, when their terms of office expire, be succeeded by the members of the board of directors elected from subdistricts. In addition to the directors elected by the voters of each subdistrict, additional directors shall be elected at large by the voters of the entire school district as follows: In 1970 one director at large shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in alternative elections one director shall be elected for a four-year term and then two directors shall be elected for a four-year term, so that from and after the 1970 election the board of directors not including those members who were in office in 1967 shall consist of seven members until the 1974 election and thereafter the board shall consist of nine members. In those years in which one at-large director is to be elected each voter may vote for one

candidate and the candidate receiving a plurality of votes cast shall be elected. In those years in which two at-large directors are to be elected each voter may vote for two candidates and the two receiving the largest number of votes cast shall be elected.

4. Candidates for membership on the board of directors shall file their declarations of candidacy with the secretary of the board of directors at least sixty days prior to the election. The six candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the at-large votes shall be elected. The name of no candidate for nomination shall be printed on the ballot unless the candidate has at least sixty days prior to the election filed a declaration of candidacy with the secretary of the board of directors containing the signatures of at least two hundred fifty registered voters who are residents of the subdistrict within which the candidate for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at least five hundred registered voters. The board of election commissioners shall determine the validity of all signatures on declarations of candidacy.

5. In any election either for at-large candidates or candidates elected by the voters of subdistricts, if there are more than two candidates, a majority of the votes are not required to elect but the candidate having a plurality of the votes if there is only one office to be filled and the candidates having the highest number of votes, if more than one office is to be filled, shall be elected.

6. A tie vote at the school election shall be determined by the flip of a coin by the secretary of the board unless the secretary of the board is one of the candidates whose votes are tied, in which case the sheriff of the county in which the school district, or the greatest part thereof, lies shall flip the coin.

7. The names of all candidates shall appear upon the ballot without party designation and in the order of the priority of the times of filing their petitions of nomination. No candidate may file both at large and from a subdistrict and the names of all candidates shall appear only once on the ballot, nor may any candidate file more than one declaration of candidacy. All declarations shall designate the candidate's residence and whether the candidate is filing at large or from a subdistrict and the numerical designation of the subdistrict or at-large area.

8. The provisions of all sections relating to six-director school districts shall also apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to the extent applicable and not in conflict with the provisions of those sections specifically relating to such urban districts.

9. Vacancies which occur on the school board between the dates of election shall be filled by majority vote of the remaining members of the school board to serve until the time of the next regular school board election. Subdistrict director vacancies shall be filled by appointment of a resident of the subdistrict in which the vacancy occurs.

162.581. Qualifications of board members—oath—compensation.—1. The members of the board of education shall be elected from the city at large on a general ticket, and shall be at least twenty-four years of age, citizens and residents of the city, and shall have been residents and citizens for at least three years immediately preceding their election. They shall not hold any office, except that of notary public, in the city or state, nor be interested in any contract with or claim against the board, either directly or indirectly. If at anytime after the election of any member of the board he becomes interested in any contract with or claim against the board, either directly or indirectly, or as agent or employee of any individual, firm or corporation, which is so interested, he shall thereupon be disqualified to continue as a member of the board, and shall continue to be so disqualified during the remainder of the term for which he was elected.

2. Every member of the board, before assuming the duties of his office, shall take oath before a judge of the circuit court, or magistrate of the city, which oath shall be kept of record in the office of the board, that he possesses all the qualifications required by

this section, and that he will not, while serving as a member of the board, become interested in any contract with or claim against the board, directly or indirectly, or as agent or employee of any individual, firm or corporation which is so interested, and that he will not be influenced, during his term of office, by any consideration except that of merit and fitness in the appointment of officers and the engagement of employees.

3. No compensation shall be paid to the members of the board, but they are exempt from jury duty and from service as election officers during the term of office.

162.675. Definitions.—As used in sections 162.670 to 162.995, unless the context clearly indicates otherwise, the following terms mean:

(1) "Gifted children", children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade level curriculum;

(2) "Handicapped children", children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services in order to develop to their maximum capacity;

(3) "Severely handicapped children", handicapped children under the age of twenty-one years who, because of the extent of the handicapping condition or conditions, as determined by competent professional evaluation, are unable to benefit from or meaningfully participate in programs in the public schools for handicapped children. The term "severely handicapped" is not confined to a separate and specific category but pertains to the degree of disability which permeates a variety of handicapping conditions and education programs;

(4) "Special educational services", programs designed to meet the needs and maximize the capabilities of handicapped or severely handicapped children and which include, but are not limited to, the provision of diagnostic and evaluation services, student and parent counseling, itinerant, homebound and referral assistance, organized instructional and therapeutic programs, transportation, and corrective and supporting services.

162.695. Census of handicapped students required—information to be obtained.—1. The board of education of each school district, including school districts which are part of a special school district, shall take or cause to be taken annually a special census of handicapped and severely handicapped children under the age of twenty-one residing in the district or whose parent or guardian resides in the district. The census shall include the name of the child, the parent or guardian's name and address, the birth date and the age of the child, and the handicapping condition or conditions. Where medical or other information is available it shall be used in establishing the handicapping condition or conditions or, if such information is not available, the statement of parents or other qualified observers of the child shall be accepted for the census report pending competent medical, psychological or other recognized evaluation. The census report shall be on forms provided or approved by the state department of elementary and secondary education and shall be forwarded to the division of special services of the state department of elementary and secondary education on or before May fifteenth of each year. The census may be a continuous census, but only those residing in the district as of May first of each year shall be reported. If the school district is in a special school district, a copy shall also be sent to the special school district. Should a district fail to make and submit such a census in the required form, the state board of education may withhold any state aid under either sections 162.670 to 162.995 or chapter 163, RSMo, until such time as the census is received.

2. State agencies collecting or otherwise maintaining information on handicapped and severely handicapped children shall cooperate with local districts, special school districts, and the department of elementary and secondary education in

making available to those respective authorities information required to meet the provisions of this act.

3. An annual review of the census report shall be made by the department of elementary and secondary education in cooperation with local and special school districts to determine the appropriateness of information requested in this report.

162.700. Special educational services required, when—diagnostic reports, how obtained—remedial reading programs, how funded.—1. The board of education of each school district in this state, except school districts which are part of a special school district, and the board of education of each special school district shall provide special educational services for handicapped children five years of age or more residing in the district and may provide special educational services for handicapped children under the age of five years residing in the district.

2. Every local school district or, if a special district is in operation, every special school district shall obtain current, appropriate diagnostic reports for each handicapped child prior to assignment in a special program. These records may be obtained with parental permission from previous medical or psychological evaluation, may be provided by competent personnel of such district or special district, or may be secured by such district from competent and qualified medical, psychological or other professional personnel.

3. Where special districts have been formed to serve handicapped children under the provisions of sections 162.670 to 162.995, such children shall be educated in programs of the special district, except that component districts may provide education programs for handicapped children ages three and four inclusive in accordance with regulations and standards adopted by the state board of education.

4. For the purposes of this act, remedial reading programs are not a special education service as defined by subdivision (4) of section 162.675 but shall be funded in accordance with the provisions of section 162.975.

162.705. Contracts with other districts for special educational services—costs, how paid—district must provide services, when.—1. If a school district or special district fails or is unable to provide special educational services to each handicapped or severely handicapped child as required in sections 162.670 to 162.995, the district shall contract with a nearby district, or districts, or public agency or agencies for such special educational services. If the board of education of the district finds that no adequate program for handicapped or severely handicapped children is available in nearby districts or through public agencies, it may contract with nonprofit organizations within the state which have programs meeting the standards established by the state board of education. If such district fails to contract for such services, the state board of education may contract for such services with a nearby district or districts or public agency or agencies. If the state board of education finds, after investigation by the state department of education, that no adequate program for handicapped or severely handicapped children is available in nearby districts or through public agencies, the state board of education may contract with nonprofit organizations within the state which have programs meeting the standards established by the state board of education. Assignment of handicapped or severely handicapped children under this section shall be made to a particular school or program which, in the judgment of the state department of elementary and secondary education, can best provide special educational services to meet the needs of the child and such assignment shall be made upon the basis of competent evaluation. The state board of education may seek the advice of established and ad hoc advisory committees in developing standards for approving programs and costs of programs operated by nonprofit organizations. Nothing contained within this section shall be construed to affect the provisions of Section 162.700 or 162.725.

2. Per pupil costs of contractual arrangements shall be the obligation of the

district of residence, except districts which are part of a special school district, or special district of residence; provided, however, that if the contract is with another district or special district, the district providing the services under contractual arrangements shall include children served under such contractual arrangements in determining the total per pupil cost for which the district of residence is responsible. If the contract is with a public agency or a nonprofit organization, the district of residence shall be entitled to receive state aid as provided in section 163.031, RSMo, and in section 162.980. Where the state board of education contracts for special educational services pursuant to subsection 1, the state board of education shall submit to the responsible district a bill for the per pupil cost payable by that district under the terms of this subsection. Failure of a district to pay such cost within ninety days after a bill is submitted by the state board of education shall result in the deduction of the amount due by the state board of education from subsequent payments of state moneys due such district or special district.

3. If the state board of education determines, after inspection by the state department of elementary and secondary education and upon the recommendation of the commissioner of education, that handicapped or severely handicapped children residing within the district may better be provided special educational services by the district or special district of residence, the state board of education shall order said district to provide special educational services in accordance with sections 162.670 to 162.995.

4. If the state board of education determines, after public hearing before the commissioner of education held in the school district on due notice, that the district has failed to provide special educational services in accordance with an order issued under subsection 3 of this section, the state board of education shall withhold all or such portion of the state aid under sections 162.670 to 162.995 and under chapter 163, RSMo, as in its judgment is necessary to require said district to carry out its responsibility under sections 162.670 to 162.995. The denial of state financial assistance hereunder may continue until the failure to provide special educational services is remedied.

5. No contract shall be made under sections 162.670 to 162.995 contrary to the provisions of article 1, section 7 or article IX, section 8 of the constitution of Missouri.

162.750. Special district may contract for special educational services for severely handicapped children.—If a special school district is formed, it may contract with the state board of education, public agencies, or nonprofit organizations within the state which have programs meeting the standards established by the state board of education to provide special educational services for severely handicapped children residing in the special district.

162.755. Transportation to be provided for children, when.—The state board of education shall provide reasonable transportation for children who attend day schools or programs operated by the state board of education or who attend programs operated through contract by the state board of education as provided in section 162.735.

162.890. Special district to assume full responsibility for handicapped or severely handicapped children—exception, transition period.—If a special district is organized in any area of this state under the provisions of sections 162.670 to 162.995, neither the state board of education nor any school district within the special district shall be required to establish schools or classes for the training or education of handicapped or severely handicapped children under any other existing law, except that the component districts included in a newly formed special district and the state board of education shall continue to provide services formerly provided for children residing in the district until the resources of the special district are sufficient to permit its assuming such responsibilities. In no instance shall component districts or the state board of education be required to provide special education classes for the training or

education of these children for more than one school term after the special district has been formed.

162.945. Notice to parent or guardian of diagnosis— contents of notice.—The responsible local school district, the responsible special school district, or the state department of elementary and secondary education shall notify in writing by first class mail to the last known address or by personal service every parent or guardian of every child diagnosed, evaluated, reevaluated or assigned under the provisions of sections 162.670 to 162.995 of the results of any diagnosis, evaluation or reevaluation made pursuant to the terms of sections 162.670 to 162.995 and of the recommended assignment, change in assignment, or denial of assignment of the child to a class or program provided under sections 162.670 to 162.995. The notice shall advise the parent or guardian that, upon request, the parent or guardian shall be permitted to inspect, at the school attended by the child or at another convenient place at any time during regular school hours, all records pertaining to said child including all diagnoses, evaluations and reevaluations obtained by the responsible school district or the state department of elementary and secondary education. The notice shall also contain information as to the procedure for requesting a review of any action taken by the local school district or special district or the state department of elementary and secondary education.

162.961. Hearing, how conducted—appeal, how taken—review panel, how formed, procedure before, recommendation of—further review by appropriate board, when.—1. The hearing provided for in section 162.950 shall be conducted by the chief administrative officer of the responsible school district or his designee. The hearings shall be informal, witnesses need not be sworn, and a record of the proceedings need not be made. The school district or the state department of elementary and secondary education shall see that the parent or guardian or their representative is advised of and permitted to review all diagnoses, evaluations and reevaluations obtained by the board of education or the state department of elementary and secondary education which pertain to the child. The school district or state department of elementary and secondary education shall fully advise the parents or guardian or their representative of each reason relied upon by it in taking the proposed action. The parents or guardian or their representative may present any information whether written or oral to the officer which pertains to the recommended action. Cross-examination shall be permitted.

2. If a satisfactory solution is not reached at this hearing, the parent or guardian may appeal within ten days to the board of education of the district or, in the case of a state school, to the state board of education. The board or its delegated representative shall within ten days after receiving notice empower a review panel of three persons who are not directly connected with the original decision and who are not employees of the board to which the appeal has been made. At least one of the panel members shall be a board appointed professional with recognized certification and training in the area of disability involved in the appeal and one person shall be appointed at the recommendation of the parent or guardian. The third person shall be appointed by mutual agreement of the board or its delegated representative and the parent or guardian.

3. The review panel shall designate a chairman who shall call the panel into session not later than ten days after the panel has been selected. Adequate notice of the meeting time and place shall be given by the review panel to all parties involved in the appeal process.

4. The parent or guardian, school official, and other persons affected by the action in question shall present to the review panel all pertinent evidence relative to the matter under appeal. All rights and privileges as described in subsection 1 of this section shall be permitted.

5. After review of all evidence presented and a proper deliberation, the review

panel shall by majority vote determine whether the case in question warrants formal review before the board of education of the district or, in the case of a state school, the state board of education.

6. If the hearing review panel determines that the evidence presented does not warrant formal review by the board of education of the district or state board of education, notice of that decision shall be sent to the parent or guardian and to the president of the respective board by the panel chairman immediately upon such determination. However, nothing shall prohibit the parent or guardian or the board of education of the district or state board of education from requiring a hearing as provided in section 162.962, the recommendation of the panel notwithstanding.

7. If the hearing review panel determines, or if the parent or guardian requests, that the board of education of the district or the state board of education should review the evidence and the decisions of the school officials, the respective board shall comply within thirty days after receiving such notice.

162.962. Hearing by appropriate board, when held, notice of, findings and decision, when due.—Not more than thirty days after receipt of the recommendation of the review panel or written request of the parent or guardian a hearing shall be held before either the board of education of the district or, in the case of a state school, before the state board of education. At least fourteen days' written notice shall be given to the parents or guardian of the child of the date, time, and place of the hearing. The board of education of the district may designate a person or persons not directly connected with the original decision or the decision of the review panel, and the state board of education may designate a member of staff of the department of elementary and secondary education in Jefferson City to hold the hearing and to recommend to the board findings of fact and specific action based thereon. Findings of fact and a final decision shall be rendered by the board of education of the district or by the state board of education, as the case may be, at the earliest possible time but in no event longer than thirty days after the day the hearing is concluded.

162.963. Witnesses may be cross-examined, by whom—record of proceedings, how kept—costs, how paid.—1. At any hearing held pursuant to the provisions of this act the parent or guardian or his representative shall be entitled to examine and cross-examine witnesses, to introduce evidence, to appear in person, and to be represented by counsel. Prior to the hearings, the parent or guardian or his representative shall have access to any reports, records, clinical evaluations or other materials upon which the action to be reviewed was wholly or partially based which could reasonably have a bearing on the correctness of the determination.

2. A complete record shall be made of all proceedings unless otherwise specified by statute which records shall include verbatim transcription of all testimony and shall include all documents, writings, or other evidence presented by any party. Costs incurred during these proceedings, except those of the parent or guardian for purchasing diagnostic services or legal counsel or other services of a personal nature, shall be the responsibility of the board of education of the district or the state board of education, as the case may be.

162.970. Allocation of costs to district of domicile—institutions which house handicapped children, requirements for—domicile of child, defined.—

1. Handicapped or severely handicapped children who are admitted to programs or facilities of the Department of Mental Health or whose domicile is one school district in Missouri but who resides in another school district in Missouri as a result of placement arranged by or approved by the Department of Mental Health, the Department of Social Services or placement arranged by or ordered by a court of competent jurisdiction, shall have a right to be provided the services described by Sections 162.670 to 162.995 and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or

placement, provided, however, that nothing in Sections 162.670 to 162.995 shall prevent the Department of Mental Health, the Department of Social Services or a court of competent jurisdiction, from otherwise providing or procuring such special educational services for such child.

2. Each school district or special school district constituting the domicile of any handicapped or severely handicapped child for whom special educational services are provided or procured under this section, shall pay toward the per pupil costs for special educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay the average sum produced per child by the local tax efforts of the component districts.

3. When special educational services have been provided by the school district or special school district in which a handicapped or severely handicapped child actually resides other than the district of domicile, the amounts as provided in subsection 2 for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services the amount hereinabove provided. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state Department of Elementary and Secondary Education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a severely handicapped child whose domicile is in one district is placed in programs or facilities operated by the Department of Mental Health or resides in another district pursuant to section 202.831 as it may be amended or superseded from time to time the Department of Mental Health shall pay the serving district from funds appropriated for that purpose the amount by which the per pupil costs of the special educational services exceed the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such special service shall reduce the balance due.

5. Institutions providing a place of residence for three or more handicapped or severely handicapped children whose parents or guardians do not reside in the district in which the institution is located shall have no authority to enroll such children in a program for handicapped or severely handicapped children in the district or special district in which the institution is located unless the institution contracts for such services and pay the actual per pupil cost for such services or unless such children are assigned pursuant to subsection 1 of this section. In the instance of severely handicapped children for whom special education services are requested from the state board of education, the state board shall also require evidence of assignment pursuant to subsection 1 of this section before such services are initiated provided that such child would otherwise be eligible for such services.

6. Handicapped and severely handicapped children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided pursuant to Sections 162.670 to 162.995 on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of a child shall be the place of residence of his parents or legal guardian. No provision of this section or of this act shall be construed to deny any handicapped or severely handicapped child domiciled in

Missouri appropriate and necessary gratuitous public services as described in Sections 162.670 to 162.995.

163.011. Definitions.—As used in this chapter unless the context requires otherwise:

(1) "Average daily attendance" means the quotient or the sum of the quotients obtained by dividing the total number of days attended of resident pupils in grades kindergarten through twelve, inclusive, and between the ages of five and twenty in a term, by the actual number of days in that term and not including legal school holidays and legally authorized teachers' meetings. To the average daily attendance of full-time students shall be added the equivalent average daily attendance of part-time public school students excused from full-day attendance who are not subject to the provisions of section 167.031. *Part-time attendance shall be computed by dividing the total hours attended by such students by the number of hours school was in session that term;*

(2) "School purposes" means teacher and incidental funds;

(3) "Teacher" means any teacher, supervisor, principal or superintendent regularly employed for grades kindergarten through twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri.

163.091. Correction of errors in apportionment of state aid.—The state board of education may correct any error made in the apportionment of the state school moneys fund among the various counties of this state out of the state school moneys fund of the year next following the date when the mistake was made. The state board of education shall certify the amount set apart to any school district for the purpose of correcting any error to the commissioner of administration, and the commissioner of administration shall certify the amount so apportioned for proper payment, and the district treasurer shall credit the funds as the funds of the year in which the error occurred. If any district has received funds in excess of the amount to which it was entitled, its apportionment for the next succeeding year shall be reduced accordingly.

163.111. State aid for new central high school buildings.—Whenever a district organized under the provisions of sections 162.211 and 162.221, RSMo, has secured a site of not less than five acres for the central high school building of the district and has erected thereon, in accordance with plans and specifications approved by the state board of education, a school building, suitable for a central school and containing one large assembly room for the meeting of the citizens of the district and has installed a modern system of heating and ventilating, the state shall pay one-fourth of the cost of the building and equipment; but the amount paid by the state shall not exceed two thousand dollars for any one building. The state of Missouri, out of that part of the state revenue set aside for the support of the free public schools, shall make adequate appropriations for carrying out the provisions of this section. *The money due any district, when approved by the commissioner of administration, shall be remitted to the treasurer of the district on receipt of a certificate from the state board of education stating that the conditions herein prescribed have been complied with.*

163.121. State aid for new buildings in reorganized districts.—All school districts enlarged under sections 162.101 to 162.201, RSMo, in which the erection of one or more new school buildings or additions to one or more existing buildings is made necessary by reason of the reorganization, shall receive state aid in the amount of one-half of the cost of the buildings, additions, and equipment up to twenty-five thousand dollars for any enlarged district. Any district formed under sections 162.101 to 162.201, RSMo, shall receive the building aid in the amount of one-half of the cost of the buildings, additions, and equipment at the rate of one hundred dollars per pupil times the total number of pupils currently enrolled in the schools of the district as certified by the board of education of the district to the state board of education when the amount exceeds twenty-five thousand dollars, but total state aid for this purpose shall not exceed fifty thousand dollars for any enlarged district. All building plans shall be

approved by the state board of education. When the conditions herein prescribed have been complied with, and when at least one-half of the building program has been completed as determined by the state board of education, one-half of the money due any enlarged school district shall be certified by the state board of education to the commissioner of administration for his approval and a warrant shall be issued for the amount due and payable to the treasurer of the district. Upon the completion of the building program the balance of the money due any enlarged school district shall be certified by the state board of education to the commissioner of administration for his approval and a warrant shall be issued for the balance due and payable to the treasurer of the district.

163.181. Aid for city teacher—training schools, paid when—report required.—Aid paid pursuant to section 163.171 shall be paid in June or July of each year. The coordinating board for higher education shall require a report from each district of the total amount spent during the school year for instruction in the city teacher-training school. The report shall be sworn to by the secretary of the board of education of the school district. Upon receipt of the report, the coordinating board for higher education shall certify to the commissioner of administration for his approval the amount due the school districts. Warrants shall be issued for the amounts due and payable to the several district treasurers and the treasurer of the board of education in the city of St. Louis. The general assembly of the state of Missouri shall out of the general revenue fund of the state make adequate appropriation for carrying out the provisions of this section and section 163.171.

164.031. Form of ballot.—The proposal for the tax rate increase, and the ballots may be in substantially the following form:

Shall the school board of (name of district) be authorized to increase the tax levy for (list purpose or purposes) by (amount of increase) on one hundred dollars valuation. If this proposition is approved by the voters, the total operating levy of the school district will be (amount) per one hundred dollars of assessed valuation.

Yes ☐

No ☐

165.011. District funds—allocation of moneys—transfers—tuition paid from what funds.—1. The following funds are created for the accounting of all school moneys: Teachers' fund, incidental fund, free textbook fund, building fund, and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund, all moneys derived from taxation for teachers' wages, all tuition fees, and not less than eighty percent of the state moneys received under sections 162.975 and 163.031, RSMo, and all other moneys received from the state except as herein provided, shall be placed to the credit of the teachers' fund. The remainder of the state moneys received under sections 162.975 and 163.031, RSMo, money apportioned by the state and received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from the state for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds, shall be placed to the credit of the building fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed

according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may transfer from the incidental to the building fund the sum that is necessary for the ordinary repairs of school property. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. After all incidental obligations are paid, the board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the building fund.

3. Tuition shall be paid from either the teachers' or incidental funds. When the school in any district has been closed on account of temporary combination or low average daily attendance, as provided by law, tuition and transportation costs shall be paid from either the teachers' or incidental funds.

165.021. Disbursal of school moneys—form of warrant—warrant not honored, when.—1. All moneys received by a school district shall be disbursed only for the purposes for which they were levied, collected or received.

2. School district moneys shall be disbursed only upon checks drawn by the treasurer of the district pursuant to the order of the board of education or upon orders for payment issued by the treasurer of the district pursuant to orders of the board of education. Each check shall show the legal identification of the district by name and address, the depository upon which the check is drawn, shall specify the amount to be paid, to whom payment is made, from what fund, for what purpose, the date of payment and the number of the check. Each check must be signed by the president and the treasurer of the board. The board by resolution may direct that the signatures be affixed to the checks in facsimile in the manner and with the effect provided by sections 105.273 to 105.278, RSMo.

3. The checks drawn shall be in substantially the following form:

(Name of District)	.....	(Check Number)
(Address)	.....
		Date of payment
Pay to the Order of	.....	\$ .....
	(Payee)	(amount in figures)
		..... dollars
Out of	.....	Fund
	(name)	
Purpose	.....
		President of board
	
		Treasurer of board

4. No check shall be drawn, or order for payment issued, for the payment of any school district indebtedness unless there is sufficient money in the treasury and in the

proper fund for the payment of the indebtedness.

5. Each and every check and order for payment shall be paid from its appropriate fund or funds, as provided by law.

6. No school district treasurer shall draw any check or issue any order for payment against any school district that is in excess of the income and revenue of the school district for the school year beginning on the first day of July and ending on the thirtieth day of June following.

165.031. Duplicate check may issue, when.—If a check issued by any school district in this state is lost or destroyed and satisfactory proof of the loss or destruction is made to the board of the school district which has issued the check, and the depository upon which the check was drawn certifies that the check has not been presented for payment, the board of the district may cause to be issued a duplicate check of like number, date and amount, in favor of the payee named in the original check. The words, "this duplicate, the original unpaid", shall be inserted in the check after the name of the payee and the board immediately shall cause the depository to be notified of the issue of the duplicate and the depository shall pay the duplicate, but not the original, when presented for payment under the conditions which would have entitled the original to payment. The applicant for the duplicate check also shall execute and deliver to the treasurer a bond payable to the school district in the amount of the check with good and sufficient security to be approved by the treasurer and conditioned that the applicant will indemnify the school district, or any legal holder of the original check for any loss which occurs in case the original check is produced or presented for payment. The bond may be enforced by suit in the name of the obligee to its own use or to the use of the party entitled to the benefit thereof. Any municipal corporation or other political subdivision of the state to which, or to whose fiscal officer, any original lost or destroyed school check was payable, pursuant to resolution of its governing body, may execute the bond, and in such cases the bond may be accepted without surety or other security.

165.051. Investment of surplus funds.—If any school district has money in the teachers' incidental, building, or debt service fund not needed within a reasonable period of time for the purpose for which the money was received, the school board in the district, if it deems it advisable, may invest the funds in either open time deposits for ninety days or certificates of deposit in a depository selected by the board if the depository has deposited securities under the provisions of sections 110.010 and 110.020, RSMo; or in bonds, redeemable at maturity at par, of the state of Missouri, of the United States, or of any wholly-owned corporation of the United States; or in other short term obligations of the United States. No open time deposits shall be made or bonds purchased to mature beyond the date that the funds are needed for the purpose for which they were received by the school district. No funds shall be invested by any district which does not provide a school term of nine months. Interest accruing from the investment of the surplus funds in such deposits or bonds shall be credited to the fund from which the money was invested.

165.061. Duties of treasurer.—From and after the approval of his bond as such, the treasurer of each six-director school district shall receive all moneys belonging to the district, from whatever source derived, and deposit and pay out the same upon checks or orders for payment as provided in section 165.021. He shall also be custodian of all bonds and other securities belonging to the school district.

165.091. School money, how disbursed.—No money belonging to the school district shall be paid by any depository except upon the check of the treasurer and president of the board of the school district or, order for payment duly issued by the treasurer. The board, by resolution, may direct that checks of the treasurer or the order for payment be countersigned by another officer, member or employee of the board and may direct that the signatures be affixed to the checks in facsimile in the manner and with the effect provided in sections 105.273 to 105.278, RSMo.

165.101. Treasurer of six-director district to account to board, when, effect of county clerk's certification.—The treasurer of each six-director school district annually, not later than the first day of August, shall settle with the school board and account to the board for all school moneys received in each fund of the district, and the amount paid out for school purposes in the six-director school district. The settlement, if found correct by the board, shall be approved by the board; and when approved the treasurer shall present his settlement to the clerk of the county court. The clerk shall make a careful examination of the settlement, and if found correct he shall certify the same. The certificate shall be prima facie a discharge of the liability of the treasurer for the funds expressed in the vouchers. At the expiration of his term of office the treasurer shall deliver over to his successor in office all books and papers, with all moneys or other property in his hands, and also all orders, checks, bonds and coupons he has paid or redeemed since his last annual settlement with the board and with the county clerk, and shall take the duplicate receipts of his successor therefor, one of which he shall deposit with the secretary of the board and the other with the county clerk.

165.131. Tax anticipation notes, when issued—form of.—The board of education of any school district in this state, upon a vote of a majority of the members of the board, may borrow funds for the use of the various funds of the district, including the debt service fund, and may issue negotiable notes in evidence thereof, payable out of the revenues derived from school taxes, for the purposes of the funds of any year in which the notes are issued. The notes may be issued at any time or from time to time between June thirtieth and December thirty-first in any year. A separate note shall be issued to evidence the borrowing for the benefit of each fund, and shall bear on its face appropriate reference to or designation of the fund for the use of which the funds evidenced by the note are borrowed. The aggregate principal amount of the notes issued in any year for the use or benefit of any fund shall not exceed fifty percent of the amount of the school board's estimate of the requirements for the fund and of the tax required to be levied for the purposes made for such year, including, however, the amount to be derived from any increases in rate of levy authorized by the electors of the district. The notes shall be payable in not to exceed six months from date of issuance, and may bear interest at a rate not to exceed six percent per annum, payable at maturity. The proceeds of the notes shall be placed to the credit of the respective funds for the use and benefit of which the borrowing was made, as evidenced by the notes, and subject to the right to make transfers from and to funds as otherwise permitted by law, the proceeds of the notes shall be used and expended only in payment of the expenses and obligations properly payable from the funds respectively, and incurred or to be incurred against the funds during the year for the expenses of the year, or in payment of principal and interest on the notes. The notes may be payable to bearer or to the order of a named payee, and may be in substantially the following form:

**TAX ANTICIPATION NOTE
FOR FUND**

..... School District of County, State of Missouri

No. Date of issue \$

The School District of County, Missouri, will pay on, at the office of the Treasurer of said School District, or at the Bank in to (bearer; or or order), the sum of with interest thereon from date of issue at the rate of % per annum, payable at maturity, out of funds derived from taxes for school purposes for the fund, for the school year beginning July 1, 19... ..upon due and proper endorsement and presentment hereof.

THE SCHOOL DISTRICT
BY

ATTEST:

President

.....
Clerk or Secretary

165.161. Disbursements in metropolitan districts, how made.—All disbursements of the board of education in metropolitan districts shall be made by checks drawn or orders for payment issued upon a designated depository in the form and subject to the regulations that the board provides.

165.281. Penalty for refusal to pay check.—For every failure to pay a check drawn or order for payment issued upon a depository by the treasurer of a six-director school district, when moneys and funds sufficient for the payment thereof are in the depository to the credit of the appropriate funds of the school district, the depository shall forfeit and pay to the holder of the check or the payees of the order for payment ten percent of the amount thereof, and the board may revoke the order designating it as depository.

167.171. Summary suspension of pupil—appeal— grounds for suspension— procedure.—1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for not to exceed ten days and by the superintendent of schools for not to exceed ninety school days. In case of a suspension by the superintendent for more than ten days, the pupil or his parents or others having his custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by him and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

- (1) The pupil shall be given oral or written notice of the charges against him, and
- (2) If the pupil denies the charges, he shall be given an oral or written explanation of the facts which form the basis of the proposed suspension, and
- (3) The pupil shall be given an opportunity to present his version of the incident, and

(4) In the event of a suspension for more than ten days, where the pupil gives notice that he wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent in a metropolitan school district, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

167.231. Transportation of pupils by district, except metropolitan—petition, election—form of ballot.—1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils living one mile or more from school. When the board of education deems it advisable, or when requested by a petition signed by ten percent of the voters in the district as determined by the number of voters casting votes in the last election for board members, to provide transportation to and from school at the expense of the district for pupils living more than one-half mile from school, the board shall submit the question at an annual or biennial election or a special election called for the purpose. Notice of the

election shall be given as provided in section 162.061, RSMo. If two-thirds of the voters voting at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. Notwithstanding other provisions of law if the proposal to provide transportation at the expense of the district for pupils living more than one-half mile from school is presented to the voters, it shall provide for an increase in the tax rate in an amount sufficient to pay for such service. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the school district provide transportation at the expense of the district for pupils living more than one-half mile from school and be authorized to levy an additional tax of cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

YES ☐

NO ☐

(If you are in favor of the proposition (or question), place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

167.232. Six-director district may rescind requirement to transport pupils living more than one-half mile from school, procedure for—form of ballot.—

1. The board of education of any six-director school district may, when it determines such action advisable, present a proposition to the qualified voters of the district rescinding the requirement that transportation be provided for all pupils living more than one-half mile from school. Such a proposition shall not be presented to the voters until after such transportation services have been provided for three full school terms and then only at the annual election. Approval of the rescission by a majority of the voters would be effective on July first next following the election. After that date the district shall provide only such transportation as is authorized under subsection 1 of section 167.231, RSMo. Upon December 31, of the year in which the rescission is effective, the district's tax levy shall be reduced by an amount equal to the increase approved by the voters under subsection 2 of section 167.231 RSMo.

2. The ballot form for such an election shall be in substantially the following form:

Shall the board of education of the school district be required to provide transportation only for those pupils living three and one-half miles or more from school with the option of providing transportation for those living a mile or more from school?

YES ☐

NO ☐

(If you are in favor of the proposition (or question), place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

167.241. Transportation of pupils to another district.—Transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence.

170.057. Incidental fund moneys may be used for books, supplies and educational television.—The school board of any school district may expend either textbook fund moneys or incidental fund moneys to provide supplementary texts, library reference books, instructional supplies and contractual educational television services for the pupils of the district's elementary and secondary schools.

171.151. Daily register required, contents of.—Each public school of the state shall keep a daily register in which shall be entered the name, age, date of entrance and record of attendance of each pupil and the studies pursued by the pupil.

177.101. Public parks and playgrounds, six-director board may establish.—

1. In six-director districts as specified in this section, the school board may establish and maintain public parks and playgrounds for the use of the public school district, and

may appropriate the sums they deem proper for the support thereof.

2. The school board may lease or purchase grounds additional to the schoolhouse site, either adjacent thereto or elsewhere in the school district, for libraries, public parks and playgrounds and pay for the grounds so leased or purchased out of the funds of the school district available for the purpose.

3. The board of education shall have full custody and control of the parks and playgrounds including the policing and the preservation of order thereon and may permit the use of the grounds that it deems best in the interest of the district. The board shall adopt and enforce, subject to the laws of the state and the ordinances of the city, suitable rules and regulations for the control of the grounds and the conduct of persons using them.

178.160. State to furnish funds for readers for blind students, when.—

Whenever a blind person who is a citizen of this state and a pupil in actual attendance in a local school district program or a special school district program or in actual attendance at a college, university, technical or professional school located in this state and authorized by law to grant degrees, other than an institution established for the regular instruction of the blind, is designated by the county court of his respective county as a fit person to receive the aid herein provided for, the state shall pay the sum of three hundred dollars per annum with which to employ a person or persons to read to the pupil from textbooks and pamphlets used by him in his studies at the college, university or school.

178.180. Compensation of reader, how and when paid.—Except for school districts, the moneys shall be paid monthly out of the general revenue fund of the state, after the beginning of the school year of the institution, by the treasurer of the state, on warrants to the treasurer of the institution upon his presenting an account showing the actual number of blind pupils matriculating and attending the institution. For school districts, the money shall be paid out of the state school moneys fund upon application to the department of elementary and secondary education showing the actual number of blind pupils attending the school district after the beginning of the school year with the regular distribution of state funds provided for in sections 163.081 and 163.082. The account shall be verified by the executive officer of the school district or institution, and shall be accompanied by a certificate from the county court of each county of which the blind pupils are residents. The certificates shall state that a petition has been filed with the county court and satisfactory evidence adduced that the blind pupil seeking the benefit of sections 178.160 to 178.180 is a resident of the county, and that neither the blind student nor his parents or guardian are able to pay the expense of providing a reader at the school, except that such evidence shall not be required when services are rendered for pupils attending local school districts or special school districts as a means of overcoming the handicap of blindness and thus permitting those pupils to remain as an integral part of the school district program.

178.280. Board of directors of six-director district may conduct summer schools.—The board of education of any six-director district, in its discretion, may establish and maintain summer schools making all necessary rules and regulations therefor and fixing the rates of tuition of resident pupils above the age of twenty years and of others who are not entitled to receive free public school privileges in the district.

178.530. State board to establish standards, inspect and approve schools—local boards to report—allocation of money.—The state board of education shall establish standards and annually inspect, as a basis for approval, all public prevocational and vocational schools, departments and classes receiving state or federal moneys for giving training in agriculture, industrial, home economics and commercial subjects and all schools, departments and classes receiving state or federal moneys for the preparation of teachers and supervisors of such subjects. The public prevocational and vocational schools, departments, and classes, and the training schools, departments

and classes are entitled to the state or federal moneys so long as they are approved by the state board of education, as to site, plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods of instruction. All disbursements of state or federal moneys for the benefit of the approved prevocational and vocational schools, departments and classes shall be made semiannually. The school board of each approved school shall file a report with the state board of education at the times and in the form that the state board requires. Upon receipt of a satisfactory report, the state board of education shall certify to the commissioner of administration for his approval the amount of the state and federal moneys due the school district. The amount due the school district shall be certified by the commissioner of administration and proper warrant therefor shall be issued to the district treasurer.

304.060. School buses and other district owned vehicles, use of regulated by board—violation by employee, effect of—design of school buses regulated by board.—1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children; provided that such other vehicles shall not transport more than four school children at any one time and the operator shall be licensed in accordance with section 302.070. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state highway department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

2. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.

610.010. Definitions.—As used in sections 610.010 to 610.030 and 610.100 to 610.115, unless the context otherwise indicates, the following terms mean:

(1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote closed to the public;

(2) "Public governmental body", any constitutional or statutory governmental entity, including any state body, agency, board, bureau, commission, committee, department, division, or any political subdivision of the state, of any county or of any municipal government, school district or special purpose district, and any other governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;

(3) "Public meeting", any meeting, formal or informal, regular or special, of any public governmental body, at which any public business is discussed, decided or public policy formulated;

(4) "Public record", any record retained by or of any public governmental body, provided, however, that personally identifiable student records maintained by public educational institutions shall only be open for inspection by the parents, guardian or other custodian of students under the age of 18 years and by the parents, guardian or other custodian and the student if the student is over the age of 18 years;

(5) "Public vote", any vote cast at any public meeting of any public governmental body.

Section 1. High school equivalency certificate may be issued by state board, when.—Any person who has not obtained a high school diploma or certificate of graduation and who is a resident of Missouri or who lives on a federal reservation within Missouri or who is a member of the armed forces of the United States stationed in Missouri may become an applicant for a high school equivalence certificate to be issued by the department of elementary and secondary education as provided under rules and regulations adopted by the state board of education.

Section 2. Examinations for high school equivalency certificate, what tests acceptable.—The department of elementary and secondary education shall provide for examination of such applicants at least twice each year at places reasonably convenient for the applicants. The examination shall be designed to test the applicant's knowledge of subject matter usually presented in the courses required to be successfully completed by those graduating from the public high schools of the state. The certificate of equivalence may also be issued on the basis of test scores certified to the state board of education by the United States Armed Forces Institute, or a similar agency approved by the state board of education.

Section 3. Fee for examination.—The state board of education may charge an examination fee of each applicant to cover the cost of administering the program.

Section 4. Chauffer's license not required to transport pupils, when.—No person shall be required to be licensed as a chauffer to transport his or her child, stepchild or ward to or from school while under contract to transport.

Section 5. Emergency fifth school moneys distribution, when.—1. If all moneys appropriated to be distributed as provided in sections 163.081 and 163.082 have not been distributed in the four distributions during fiscal year 1977 an emergency distribution may be made.

2. The emergency distribution may be made of all moneys in the state school moneys fund as of June fifteenth or so much thereof as is necessary to meet the amount appropriated whichever is less. The distribution of such moneys shall be made on or before June twenty-fifth.

3. When distributing the state aid authorized by the provisions of sections 162.935, 162.975, 162.980, 162.985, 162.900, 162.990, 163.031 and 163.161, RSMo, the state treasurer may, in any year if requested by a school district, disregard the provision in section 30.180, RSMo, requiring the treasurer to convert the warrant requesting payment into a check or draft and wire transfer the amount to be distributed to the school district directly to the school district's designated depository for credit to the school district's account.

162.091. Neglect or refusal to comply with school laws by public official a misdemeanor, penalty.—Any county clerk, county treasurer, school board member, officer or employee, or other officer, who willfully neglects or refuses to perform any duty imposed upon him by chapters 160 to 168, 170, 171, 177 and 178, RSMo, or who willfully violates any provision of these chapters, is guilty of a misdemeanor and on conviction shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail not to exceed one year.

162.101. County board of education in first class counties, terms, qualifications.—1. A county board of education, consisting of six members who shall be elected for terms of three years, is created in each first class county of Missouri. Two members shall be elected in 1964 and every three years thereafter, two members shall be elected in 1965 and every three years thereafter, and two members shall be elected in 1966 and every three years thereafter.

2. Each member shall be a citizen of the United States and of the state of Missouri, a resident householder and voter of the county, and shall be not less than twenty-four years of age. Not more than three members of the board shall reside in any county court district.

3. The members of the school boards of the various school districts of each county shall meet on the second Tuesday in April in each year at a place and at the hour designated by the president of the county board of education. Notice of the time and place of the meeting shall be given by the secretary of the county board of education to the persons entitled to attend the meeting, by mail, at least six days before the meeting. The meeting shall organize by the election of one of its members as chairman and one as secretary.

4. The persons attending the meeting shall thereupon proceed to elect, by ballot, the members of the county board of education. Nominations shall be made from the floor and each office to be filled shall be voted upon separately. Election of each board member shall be by a majority of the votes cast and each member of every school board within the county is entitled to one vote.

162.131. Meetings, written notice required, quorum.—The county board shall meet at least once each quarter of each calendar year, and as often otherwise as is necessary to discharge its duties. Four members of the board constitute a quorum. Meetings shall be held at the times fixed by the board or on the call of the president, or secretary, or any four members of the board. Written notice of any meeting shall be given by mail to each member of the board by the secretary at least six days before the date of any meeting.

162.161. Duties of county board of education.—The county board of education shall

(1) Make or cause to be made and kept current a comprehensive study of each school district of the county. The study shall include:

(a) The assessed tax valuation of each existing district;

(b) The number of pupils attending school, average daily attendance, and the population of all districts in the county;

(c) The location and conditions of school buildings and their accessibility to the pupils;

(d) The location and condition of roads, highways and natural barriers within the county;

(e) The high school facilities of the county;

(f) The conditions affecting the welfare of the teachers and pupils;

(g) Any other factors concerning adequate facilities for the pupils.

(2) From time to time submit to the state board of education specific plans for the reorganization of school districts of the county. Each plan shall be in writing and shall include charts, maps and statistical information necessary to document properly the plan for the proposed reorganized districts and to provide a comparison of existing districts with proposed reorganized districts.

(3) Cooperate with boards of adjoining counties in the solution of common organization problems, and submit to the state board of education for final decision any and all organization questions on which the cooperating boards fail to agree.

(4) Continue to advise with school patrons and school officials on all matters pertaining to the improvement of the schools in the county.

163.081. Secretary to report to state department, when, contents—duties of State Board of Education to calculate state aid.—1. Between June fifteenth and June thirtieth each year the secretary of each school district shall make a report to the state department of elementary and secondary education which shall contain all necessary data for calculating the amounts of state support which each district is to receive for the following school year. The report shall be sworn to before a notary public or the county clerk. Reports shall be forwarded to the state board of education on or before July fifteenth. Any district secretary, superintendent or teacher who knowingly furnishes any false information in the reports, or neglects or refuses to make the reports, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred

dollars or imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

2. The state board of education upon receipt of the report from the school district shall calculate the amount which each school district is to receive and on or before September fifteenth of each year shall distribute all moneys available August thirty-first to the several districts. Additional distributions of all moneys available November thirtieth and February twenty-eighth shall be made on or before December fifteenth and March fifteenth of each school year. The state board of education shall certify the amounts so apportioned to the commissioner of administration for his approval and warrants shall be issued payable to the several school districts of the state and forwarded to them.

167.031. School attendance compulsory, who may be excused.—Every parent, guardian or other person in this state having charge, control or custody of a child between the ages of seven and sixteen years shall cause the child to attend regularly some day school, public, private, parochial or parish, not less than the entire school term of the school which the child attends or shall provide the child at home with regular daily instructions during the usual school hours which shall, in the judgment of a court of competent jurisdiction, be at least substantially equivalent to the instruction given children of like age in the day schools in the locality in which the child resides; except that

(1) A child who, to the satisfaction of the superintendent of schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof; or

(2) A child between fourteen and sixteen years of age may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action.

167.071. School attendance officers in six-director districts, powers and duties—powers of police officers in certain areas.—1. In school districts having six or more directors the school board may appoint and remove at pleasure one or more school attendance school officers and shall pay them from the public school funds.

2. Each attendance officer has the powers of a deputy sheriff in the performance of his duties. He shall investigate the claims of children for exemptions under section 167.031, and report his findings to the person authorized by that section to grant the exemption sought. When reasonable doubt exists as to the age of any such child he may require a properly attested birth certificate or an affidavit stating the child's age, date of birth, physical characteristics and bearing the signature of the child. He may visit and enter any mine, office, factory, workshop, business house, place of amusement, or other place in which children are employed or engaged in any kind of service, or any place or building in which children loiter or idle during school hours; may require a properly attested certificate of the attendance of any child at school; may arrest without warrant, any truant, or nonattendants or other juvenile disorderly persons, and place them in some school or take them to their homes, or take them to any place of detention provided for neglected children in the county or school district. He shall serve in the cases which he prosecutes without additional fee or compensation. Each attendance officer appointed by a school board shall carry into effect the regulations lawfully prescribed by the board by which he was appointed.

3. In any urban school district, any metropolitan school district and in school districts having six or more directors and which are located in a first class county having a charter form of government, any duly commissioned city or county police officer shall be ex officio school attendance officers. Any police officer exercising duties

or ex officio school attendance officer need not refer any child apprehended pursuant to the provisions of this section to juvenile court or a juvenile officer, but nothing in this subsection shall be construed to limit the police officer's regular powers and duties as a peace officer.

167.111. Officials to enforce compulsory attendance law.—The state commissioner of education, superintendents of schools, school boards, county superintendents of public welfare, and every school attendance and probation officer shall enforce all laws relating to compulsory school attendance.

170.111. Publisher to furnish duplicate price lists to clerk.—Before seeking to enter into contract with any school board, the publisher shall furnish the clerk of the school board with a duplicate printed list of the books and prices filed with the state board of education.

Section 1. Rules to expire, when, exception—authority to promulgate rules abolished effective November 30, 1981.—Any standard, rule or regulation issued pursuant to this chapter after the effective date of this act shall expire two years after the promulgation thereof unless, prior to such date, both houses of the general assembly, by concurrent resolution approved by the governor, shall approve such standard, rule or regulation. All authority to promulgate standards, rules and regulations under this chapter shall terminate November 30, 1981.

Approved July 6, 1977.

[H. B. 260]

EDUCATION AND LIBRARIES: Lobbying activities and memberships in associations by school boards.

AN ACT to repeal section 162.011, RSMo 1969, relating to lobbying activities and memberships in associations by school boards of the state of Missouri and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

162.011. School boards may associate and appoint a member to attend meetings—may pay dues and attendance expenses.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 162.011, RSMo 1969, is repealed and one new section is enacted in lieu thereof, to be known as section 162.011, to read as follows:

162.011. School boards may associate and appoint a member to attend meetings—may pay dues and attendance expenses.—Any school board of the state of Missouri, when it deems it a matter of public interest, may by two-thirds vote of its members join the Missouri School Boards' Association and appoint one or more of its members to attend meetings called by the association within the state of Missouri. The school board may direct payment of the membership dues of the association and of the actual and necessary expenses incurred by members in attending the meetings called by the association from the incidental fund of the district.

Approved June 8, 1977.

[S. B. 143]

EDUCATION AND LIBRARIES: Insurance for school board members.

AN ACT to amend chapter 162, RSMo, relating to school districts by inserting therein one new section relating to the same subject and authorizing the expenditure of funds of a district to purchase certain insurance for school board members as compensation for their services.

SECTION

1. Amending clause.

SECTION

162.013. School boards may expend district funds to provide accident and property damage insurance for members, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Amending clause.—Chapter 162, RSMo, is amended by inserting therein one new section to be known as section 162.013, to read as follows:

162.013. School boards may expend district funds to provide accident and property damage insurance for members, when.—Notwithstanding other sections of the school laws which provide that members of school boards shall serve without compensation, the school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may expend school district funds to purchase insurance to indemnify the members of the school board, individually, against loss for damages for personal or bodily injury to a person, or for damage or loss of property, caused by the negligent act, error, or omission of a member when acting within the scope of his office.

Approved July 19, 1977.

[H. S. H. B. 541]

EDUCATION AND LIBRARIES: Special educational services for severely handicapped students and deaf students.

AN ACT to repeal section 162.730, RSMo Supp. 1975, relating to special educational services for severely handicapped students and deaf students and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SECTION

A. Enacting clause.
162.730. State board to establish schools for severely handicapped—special

SECTION

services for deaf, who shall provide.
B. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Section 162.730, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 162.730, to read as follows:

162.730. State board to establish schools for severely handicapped—special services for deaf, who shall provide.—1. The state board of education shall establish schools or programs in this state sufficient to provide special educational services for all severely handicapped children not residing in special school districts or in other school districts providing approved special educational services for severely handicapped children which schools or programs shall be referred to herein as "state schools for severely handicapped children".

2. The Missouri school for the blind at St. Louis and the Missouri school for the deaf at Fulton are within the division of special services of the department of elementary and secondary education. The state board of education shall govern these schools.

3. The state board of education

(1) Shall determine the type and kind of instruction to be offered and the number and qualifications of instructors and other necessary personnel in the state schools for

severely handicapped children, the school for the blind and the school for the deaf; provided, however, that the course of study of these schools shall be of a character to develop the mental, physical, vocational and social abilities of the pupils and to prepare those students capable of advancing for admission to postsecondary programs;

(2) Shall promulgate all rules and regulations governing enrollment, including that of assigning children to the most appropriate school or programs; and

(3) Shall determine and approve all policies for the operation of said schools or programs.

4. Notwithstanding any other provision of this section, each school district which is not a part of a special school district and each special school district shall provide special educational services for deaf children and youth within the ages of five through thirteen years residing in the district in accordance with rules, regulations and standards promulgated by the state board of education. Such services shall be provided within the district of residence or by contract with a nearby district or districts or nearby public agency or agencies pursuant to the provisions of section 162.670 to section 162.995, provided, however, that nothing herein shall be construed to affect the funding or operation of the Missouri school for the deaf at Fulton nor to deny to any deaf child or youth within the age range prescribed above the right to enrollment therein.

5. Any rule promulgated pursuant to this chapter after the effective date of this act shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire on November 30, 1981.

Section B. Effective date.—The effective date of this act shall be September 1, 1978.

Approved July 19, 1977.

[C. C. S. S. C. S. H. B. 131]

EDUCATION AND LIBRARIES: State aid for school districts.

AN ACT to repeal section 163.036, RSMo 1969, and sections 162.975, 162.985 and 163.161, RSMo Supp. 1975, and section 163.031, RSMo Supp. 1976, and section 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 38 and approved June 27, 1973, and as printed in RSMo Supp. 1975, and section 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 158 and approved August 9, 1973, and as printed in RSMo Supp. 1975, all relating to state aid for school districts and to enact in lieu thereof seven new sections relating to the same subject.

SECTION

1. Enacting clause.
- 162.975. State aid for special programs for handicapped or severely handicapped children, how calculated.
- 163.011. Definitions.
2. Tax return to contain number assigned by director to school district.

SECTION

- 163.031. Minimum aid—amount, how determined—source of funds, how spent.
- 163.036. Estimates of average daily attendance authorized—error, effect of.
- 163.161. State aid for transportation of pupils.
 - A. Disclaimer as to dollar amounts of future payments.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 163.036, RSMo 1969, and sections 162.975, 162.985 and 163.161, RSMo Supp. 1975, and section 163.031, RSMo Supp. 1976, and section 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 38 and approved June 27, 1973, and as

printed in RSMo Supp. 1975, and section 163.011 of an act of the first regular session of the seventh-seventh general assembly known as house bill no. 158 and approved August 9, 1973, and as printed in RSMo Supp. 1975, are repealed and seven new sections enacted in lieu thereof to be known as sections 162.975, 163.011, Section 2, 163.031, 163.036, 163.161 and Section A to read as follows:

162.975. State aid for special programs for handicapped or severely handicapped children, how calculated.—1. Each school district or special school district maintaining one or more approved special programs for handicapped or severely handicapped children under the provisions of sections 162.670 to 162.995 shall receive state aid at the rate of six thousand dollars for each approved class of children per term of one hundred eighty days as provided by section 163.021, RSMo, except that approved classes for the educable mentally retarded shall be funded at four thousand five hundred dollars per approved class, and approved classes of remedial reading shall be funded at three thousand five hundred dollars per approved class. The rates of reimbursement for approved classes in this subsection shall be adjusted annually by the same percent that the appropriation of state funds for the school foundation program is changed from the previous year.

2. For approved classes of children under five years of age, but not under the age of three, state aid shall be determined in accordance with the provisions of section 163.017, RSMo, for all age levels. In addition, the district shall receive for each such class one-half the amount provided in subsection 1 of this section.

3. For approved programs for gifted children, state aid not to exceed half of the cost of instructional personnel and special materials listed and approved on the project application shall be apportioned.

4. An additional amount of four thousand dollars shall be received for each professional staff member, other than classroom teachers, who is employed to work full time with handicapped or severely handicapped children.

5. For classes of handicapped children, two thousand dollars shall be received for each full-time teacher aide when such aide is employed in accordance with standards approved by the state board of education.

6. For the purposes of this section, "class" shall mean a group of not less than ten children except that fewer than ten children may constitute a class when it is found necessary and advisable by the state board of education.

7. Funds to which a district is eligible under this section shall be in addition to aid provided by section 163.031, RSMo.

163.011. Definitions.—As used in this chapter unless the context requires otherwise:

(1) Adjusted Gross Income

a. "District Adjusted Gross Income per return" shall be the total Missouri individual adjusted gross income in a school district divided by the total number of Missouri income tax returns filed from the school district as reported by the State Department of Revenue for the second preceding year.

b. "State Adjusted Gross Income per return" shall be the total Missouri individual adjusted gross income divided by the total number of Missouri individual income tax returns, of those returns designating school districts, as reported by the State Department of Revenue for the second preceding year.

c. "District Income Factor" shall be determined by taking one-half of the sum of 1.0 and the ratio of the district adjusted gross income per return to the state adjusted gross income per return.

(2) "Average daily attendance" means the quotient or the sum of the quotients obtained by dividing the total number of days attended in a term by resident pupils in grades kindergarten through twelve, inclusive, and between the ages of five and twenty by the actual number of days in that term but not including legal school holidays and legally authorized teachers' meetings. To the average daily attendance of

full-time students shall be added the full-time equivalent average daily attendance of part-time students and the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of part-time students" shall be computed by dividing the total hours attended by resident part-time students who are not subject to the provisions of section 167.031 by the number of hours school was in session that term. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours in the regular school term;

(3) "Eligible pupils" shall be determined by adding membership to the average daily attendance and dividing the sum by two;

(4) "Equalized assessed valuation of the property of a school district shall be determined by multiplying the assessed valuation times the percent of true value specified in section 137.115, RSMo. and dividing by either the percent of true value as determined by the state tax commission on or before February first preceding the fiscal year in which the evaluation will be effective or the average percent of true value for the highest three of the last four years as determined and certified by the state tax commission, whichever is greater. To the equalized locally assessed valuation of each district shall be added the assessed valuation of railroad and utility distributable property as determined by dividing the total assessed valuation of the distributable property within each county in which the district has territory by the total number of resident pupils enrolled in the public schools on the last Wednesday in September in each county in which the district has territory and multiply the quotient thus obtained by the number of resident pupils enrolled in the public schools on the last Wednesday in September within that portion of each district lying wholly or partially within the county;

(5) "Guaranteed tax base" means the amount of equalized assessed valuation per eligible pupil guaranteed each school district by the state in the computation of state aid. To compute the guaranteed tax base, school districts shall be ranked annually from lowest to highest according to the amount of equalized assessed valuation per pupil. During the 1977-78 school year, the guaranteed tax base shall be the amount of equalized assessed valuation per pupil of the school district in which the eighty-fifth percentile of the state aggregate number of pupils falls during the preceding year. During the 1978-79 school year and each year thereafter through 1982-83, the percentile level used to determine the amount of the guaranteed tax base shall be increased one percentile, thereafter the percentile level used in the determination of the guaranteed tax base shall be ninety;

(6) "Membership" shall be determined by dividing by two the sum of (1) the number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days, (2) the number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, and (3) the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the regular school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours in the regular school term. Full-time equivalent number of kindergarten pupils is determined by dividing the number of such pupils in membership by two;

(7) "Operating levy" means the sum of tax rates levied for teachers, incidental, and building funds. To equalize the operating levy, multiply the aggregate tax rates

for teachers, incidental, and building funds either the percent of true value, as determined by the state tax commission on or before February first preceding the fiscal year in which the evaluation will be effective, or the average percent of true value for the highest three of the last four years as determined and certified by the state tax commission, whichever is greater, and dividing by the percent of true value specified in section 137.115, RSMo:

(8) "Orphans", resident children five years of age or older and under eighteen years of age who were enrolled in the public schools the previous September and who are supported in whole or in part by philanthropic or state organizations;

(9) "Pupil-weighted levy" shall be determined by multiplying the equalized operating levy in each district for the second preceding year by the eligible pupils of each district for that year and dividing the sum thereof for all districts of the state by the aggregate number of eligible pupils for that year of all districts of the state;

(10) "Qualified aid to dependent children recipients", resident children five years of age or older and under eighteen years of age who were enrolled in the public schools the previous September and for whom aid to dependent children was allowed as certified by the division of family services;

(11) "School purposes" pertains to teachers and incidental funds;

(12) "State-expenditure factor" shall be determined by dividing the state total of current expenditures for the second preceding year by the number of eligible pupils in the state during that year;

(13) "Teacher" means any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, or librarian who shall, regularly, teach or be employed for grades kindergarten through twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri.

Section 2. Tax return to contain number assigned by director to school district.—Every person filing an individual income tax return form under Chapter 143 shall place in the space provided on said form the number assigned by the Department of Revenue to the school district of which the person filing is a resident.

163.031. Minimum aid—amount, how determined—source of funds, how spent.—1. School districts which meet the requirements of section 163.021 shall be entitled to a minimum guarantee computed as follows: An amount determined by multiplying the number of eligible pupils by seventy-five percent of the state-expenditure factor, plus an amount determined by multiplying the number of qualified aid to dependent children recipients and orphans by twenty-five percent and multiplying the product thereof by seventy-five percent of the state-expenditure factor.

2. From the minimum guarantee for each district there shall be deducted an amount derived by multiplying fifty-seven percent of the pupil-weighted levy as adjusted by the district income factor by each one hundred dollars of the equalized assessed valuation of the property in the district the preceding year. Also, there shall be deducted fifty-seven percent of the amount received for school purposes from fines, forfeitures, escheats and intangible taxes.

3. To the amount calculated in subsections 1 and 2 of this section shall be added an amount to which a district is eligible under the guaranteed-tax-base provision which shall be calculated as follows; Multiply the difference between the guaranteed tax base less the equalized assessed valuation per eligible pupil of the school district for the last year divided by one hundred times the number of eligible pupils, times the difference obtained by subtracting fifty-seven percent of the equalized pupil-weighted levy as adjusted by the district income factor from the equalized operating levy for the district.

4. No district shall receive annually an amount per eligible pupil which is greater than the amount received the previous year plus twenty-five percent of the difference between the amount currently apportioned per eligible pupil under subsections 1, 2,

and 3 and the amount per eligible pupil received the previous year. However, no district shall receive an amount greater than is provided by subsections 1, 2, and 3 of this act. If the general assembly appropriates more or less funds than is necessary to meet the requirements of this section, the twenty-five percent limit shall be adjusted to allow for the distribution of available funds.

5. (1) During the 1977-78 school year, no school district shall receive less per pupil in average daily attendance than it was apportioned during the 1976-77 school year under the provisions of subsections 1, 2, 4, 6, and 7 of section 163.031, RSMo Supp. 1976. In 1978-79 and each year thereafter for five years, those districts which would, under subsections 1, 2, and 3 of this section, be entitled to a smaller amount per eligible pupil than was received the preceding year shall receive a reduced amount per eligible pupil. Such reduction shall be twenty percent of the difference per eligible pupil between the entitlement under subsections 1, 2, and 3 and the amount per eligible pupil received under subsections 1, 2, 4, 6, and 7 of section 163.031, RSMo Supp. 1976, during the 1976-77 school year but in no instance shall a district receive less than the entitlement under subsections 1, 2, and 3 or \$283 per eligible pupil, whichever is greater. The \$283 base figure shall be multiplied annually by the same percent that the appropriation of state funds for the school foundation program is changed from the previous year and the product added to the amount per eligible pupil apportioned the previous year under this section. However, at no time shall the percent of this annual adjustment exceed the percent of annual adjustment for the mean average of the lowest five percent of the districts which receive an apportionment based upon subsections 1, 2, 3 and 4 of section 163.031.

(2) State aid based upon subsections 1 through 6 of this section may be determined as follows:

Minimum Guarantee

1. Number of Eligible Pupils x (75% of State-expenditure Factor) \$
2. (ADC + Orphans) x .25 x (75% of State-expenditure Factor) \$
3. Total Minimum Guarantee (Line 1 plus Line 2) \$

Deductions

4. Equalized A/V
 \times (57% of Pupil-weighted \$100
 Levy x district income factor) \$
5. Fines, Forfeitures, Escheats, et cetera (5% of the amount received the previous year for school purposes) \$
6. Intangible Taxes (57% of the amount received the previous year for school purposes) \$
7. Total Deductions (Sum of Lines 4, 5, and 6) \$
8. Basic Entitlement (Line 3 minus Line 7) \$

Guaranteed Tax Base (GTB) Add-on

9. (GTB minus Dist. Equal. A/V per eligible Pupil)
 \div 100 x Number of Eligible Pupils x (Dist. Equal. operating Levy minus fifty-seven percent of the Pupil-weighted Levy district income factor) \$
 (cannot be less than "0")
10. District Entitlement (Line 8 plus Line 9) \$
11. Apply hold-harmless or maximum increase clause to Line 10 \$
6. The state board of education shall, at the time of making the annual

apportionment, apportion special state aid as now or hereafter provided by section 163.161 building aid as provided by law, and the aid provided by section 162.975, RSMo.

7. A school district shall spend for teachers' salaries each year at least seventy-five percent of the state school funds received under subsections 1, 2, and 3 of this section and under section 162.975, RSMo and as much of the revenue produced by local tax levies as was spent per eligible pupil for teachers' salaries the previous year. In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's apportionment for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

163.036. Estimates of average daily attendance authorized—error, effect of.—In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may estimate the number of eligible pupils for the ensuing year instead of using the number of eligible pupils for the past year. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

163.161. State aid for transportation of pupils.—1. Any school district which makes provision for transporting pupils as provided in sections 167.231 and 167.241, RSMo, shall receive state aid for the ensuing year for such transportation on the basis of the cost of pupil transportation services provided the current year. A district shall receive an amount not greater than eighty percent of the allowable costs of providing pupil transportation services to and from school, except that in no case shall a district receive an amount per pupil greater than one hundred twenty-five percent of the state average approved cost per pupil transported the second preceding school year. The state board of education shall approve all bus routes and determine the total miles each district should have for effective and economical transportation of the pupils and shall determine allowable costs.

2. State aid for transporting handicapped and severely handicapped students attending classes within the school district or in a nearby district under a contractual arrangement shall be paid in accordance with the provisions of subsection 1 and an amount equal to eighty percent of the additional cost of transporting handicapped and severely handicapped students above the average per pupil cost of transporting all students of the district shall be apportioned where such special transportation is approved in advance by the department of elementary and secondary education. State aid for transportation of handicapped and severely handicapped children in a special school district shall be eighty percent of allowable costs as determined by the state board of education which may for sufficient reason authorize amounts in excess of one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year. In no event shall state transportation aid exceed eighty percent of the total allowable cost of transporting all pupils eligible to be transported.

Section A. Disclaimer as to dollar amounts of future payments.—Passage of this Act shall not be construed as a promise to fund the School Foundation program at any particular dollar amount. Passage of this Act shall provide a statutory formula to distribute whatever funds are appropriated by the legislature to the various public elementary and secondary school districts in the state.

Approved July 29, 1977.

[H. B. 187]

EDUCATION AND LIBRARIES: School attendance.

AN ACT to repeal section 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 38 and approved by the governor on June 27, 1973, as it appears in RSMo Supp. 1975, and to repeal section 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 158 and approved by the governor on August 9, 1973, as it appears in RSMo Supp. 1975, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

163.011. Definitions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 38 and approved by the governor on June 27, 1973, as it appears in RSMo Supp. 1975, and section 163.011 of an act of the first regular session of the seventy-seventh general assembly known as house bill no. 158 and approved by the governor on August 9, 1973, as it appears in RSMo Supp. 1975, are repealed, and one new section enacted in lieu thereof, to be known as section 163.011, to read as follows:

163.011. Definition.—As used in this chapter unless the context requires otherwise:

(1) "Average daily attendance" means the quotient or the sum of the quotients obtained by dividing the total number of days attended of resident pupils in grades kindergarten through twelve, inclusive, and between the ages of five and twenty in a term, by the actual number of days in that term and not including legal school holidays and legally authorized teachers' meetings. To the average daily attendance of full-time students shall be added the equivalent average daily attendance of part-time public school students excused from full-day attendance who are not subject to the provisions of section 167.031. Part-time attendance shall be computed by dividing the total hours attended by such students by the number of hours school was in session that term;

(2) "School purposes" means teacher and incidental funds;

(3) "Teacher" means any teacher, supervisor, principal or superintendent regularly employed for grades kindergarten through twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri.

Approved July 6, 1977.

[S. B. 82]

EDUCATION AND LIBRARIES: Distribution of moneys for the use of school districts.

AN ACT to repeal sections 163.091, 163.111, 163.121, 163.181 and 178.530, RSMo 1969, relating to schools and school districts and the distribution of moneys for the use of school districts and to enact in lieu thereof five new sections relating to the same subject.

SECTION

1. Enacting clause.

163.091. Correction of errors in apportionment of state aid.

163.111. State aid for new central high school buildings in reorganized districts.

163.121. State aid for new buildings in reorganized districts.

SECTION

163.181. Aid for city teacher—training schools, paid when—report required.

178.530. State board to establish standards, inspect and approve schools—local boards to report—allocation of money.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 163.091, 163.111, 163.121, 163.181 and 178.530, RSMo 1969, are repealed and five new sections enacted in lieu thereof, to be known as sections 163.091, 163.111, 163.121, 163.181 and 178.530, to read as follows:

163.091. Correction of errors in apportionment of state aid.—The state board of education may correct any error made in the apportionment of the state school moneys fund among the various counties of this state out of the state school moneys fund of the year next following the date when the mistake was made. The state board of education shall certify the amount set apart to any school district for the purpose of correcting any error to the commissioner of administration, and the commissioner of administration shall certify the amount so apportioned for proper payment, and the district treasurer shall credit the funds as the funds of the year in which the error occurred. If any district has received funds in excess of the amount to which it was entitled, its apportionment for the next succeeding year shall be reduced accordingly.

163.111. State aid for new central high school buildings in reorganized districts.—Whenever a district organized under the provisions of sections 162.211 and 162.221, RSMo, has secured a site of not less than five acres for the central high school building of the district and has erected thereon, in accordance with plans and specifications approved by the state board of education, a school building, suitable for a central school and containing one large assembly room for the meeting of the citizens of the district and has installed a modern system of heating and ventilating, the state shall pay one-fourth of the cost of the building and equipment; but the amount paid by the state shall not exceed two thousand dollars for any one building. The state of Missouri, out of that part of the state revenue set aside for the support of the free public schools, shall make adequate appropriations for carrying out the provisions of this section. The money due any district, when approved by the commissioner of administration, shall be remitted to the treasurer of the district on receipt of a certificate from the state board of education stating that the conditions herein prescribed have been complied with.

163.121. State aid for new buildings in reorganized districts.—All school districts enlarged under sections 162.101 to 162.201, RSMo, in which the erection of one or more new school buildings or additions to one or more existing buildings is made necessary by reason of the reorganization, shall receive state aid in the amount of one-half of the cost of the buildings, additions, and equipment up to twenty-five thousand dollars for any enlarged district. Any district formed under sections 162.101 to 162.201, RSMo, shall receive the building aid in the amount of one-half of the cost of the buildings, additions, and equipment at the rate of one hundred dollars per pupil times the total number of pupils currently enrolled in the schools of the district as certified by the board of education of the district to the state board of education when the amount exceeds twenty-five thousand dollars, but total state aid for this purpose shall not exceed fifty thousand dollars for any enlarged district. All building plans shall be approved by the state board of education. When the conditions herein prescribed have been complied with, and when at least one-half of the building program has been completed as determined by the state board of education, one-half of the money due any enlarged school district shall be certified by the state board of education to the commissioner of administration for his approval and a warrant shall be issued for the amount due and payable to the treasurer of the district. Upon the completion of the building program the balance of the money due any enlarged school district shall be certified by the state board of education to the commissioner of administration for his approval and a warrant shall be issued for the balance due and payable to the treasurer of the district.

163.181. Aid for city teacher-training schools, paid when—report required.—Aid paid pursuant to section 163.171 shall be paid in June or July of each year. The coordinating board for higher education shall require a report from each

district of the total amount spent during the school year for instruction in the city teacher-training school. The report shall be sworn to by the secretary of the board of education of the school district. Upon receipt of the report, the coordinating board for higher education shall certify to the commissioner of administration for his approval the amount due the school districts. Warrants shall be issued for the amounts due and payable to the several district treasurers and the treasurer of the board of education in the city of St. Louis. The general assembly of the state of Missouri shall out of the general revenue fund of the state make adequate appropriation for carrying out the provisions of this section and section 163.171.

178.530. State board to establish standards, inspect and approve schools—local boards to report—allocation of money.—The state board of education shall establish standards and annually inspect, as a basis for approval, all public prevocational and vocational schools, departments and classes receiving state or federal moneys for giving training in agriculture, industrial, home economics and commercial subjects and all schools, departments and classes receiving state or federal moneys for the preparation of teachers and supervisors of such subjects. The public prevocational and vocational schools, departments, and classes, and the training schools, departments and classes are entitled to the state or federal moneys so long as they are approved by the state board of education, as to site, plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods of instruction. All disbursements of state or federal moneys for the benefit of the approved prevocational and vocational schools, departments and classes shall be made semiannually. The school board of each approved school shall file a report with the state board of education at the times and in the form that the state board requires. Upon receipt of a satisfactory report, the state board of education shall certify to the commissioner of administration for his approval the amount of the state and federal moneys due the school district. The amount due the school district shall be certified by the commissioner of administration and proper warrant therefor shall be issued to the district treasurer.

Approved July 6, 1977.

[S. B. 111]

EDUCATION AND LIBRARIES: School district finance.

AN ACT to repeal sections 165.061, 165.091, 165.101, 165.161, and 165.281, RSMo 1969, and sections 165.021 and 165.031, RSMo Supp. 1975, relating to school district finance, and to enact in lieu thereof seven new sections relating to the same subject, with a penalty provision.

SECTION

1. Enacting clause.
- 165.021. Disbursal of school moneys—checks, form of—checks not to issue in excess of revenue.
- 165.031. Lost or destroyed check, duplicate to issue, when.
- 165.061. Treasurer, duties of.

SECTION

- 165.091. School checks to be countersigned.
- 165.101. Settlements of treasurer of six-director districts, when due.
- 165.161. Disbursements, how made in metropolitan districts.
- 165.281. Penalty for failure to pay valid check of six-director district.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 165.061, 165.091, 165.101, 165.161, and 165.281, RSMo 1969, and sections 165.021 and 165.031, RSMo Supp. 1975 are repealed and seven new sections enacted in lieu thereof, to be known as sections 165.021, 165.031, 165.061, 165.091, 165.101, 165.161, and 165.281, to read as follows:

165.021. Disbursal of school moneys—checks, form of—checks not to issue in excess of revenue.—1. All moneys received by a school district shall be disbursed

only for the purposes for which they were levied, collected or received.

2. School district moneys shall be disbursed only upon checks drawn by the treasurer of the district pursuant to orders of the board of education or upon orders for payment issued by the treasurer of the district pursuant to orders of the board of education. Each check shall show the legal identification of the district by name and address, the dispository upon which the check is drawn, shall specify the amount to be paid, to whom payment is made, from what fund, for what purpose, the date of payment and the number of the check. Each check must be signed by the president and the treasurer of the board. The board by resolution may direct that the signatures be affixed to the checks in facsimile in the manner and with the effect provided by sections 105.273 to 105.278, RSMo.

3. The checks drawn shall be in substantially the following form:

(Name of District)	(Check number)
(Address)	.....
	Date of payment
Pay to the Order of	\$
(Payee)	(amount in figures)
.....	dollars
Out of	Fund
(name)	
Purpose .....	.....
	President of board
.....	Treasurer of board

4. No check shall be drawn, or order for payment issued, for the payment of any school district indebtedness unless there is sufficient money in the treasury and in the proper fund for the payment of the indebtedness.

5. Each and every check and order for payment shall be paid from its appropriate fund or funds, as provided by law.

6. No school district treasurer shall draw any check or issue any order for payment against any school district that is in excess of the income and revenue of the school district for the school year beginning on the first day of July and ending on the thirtieth day of June following.

165.031. Lost or destroyed check, duplicate to issue, when.—If a check issued by any school district in this state is lost or destroyed and satisfactory proof of the loss or destruction is made to the board of the school district which has issued the check, and the depository upon which the check was drawn certifies that the check has not been presented for payment, the board of the district may cause to be issued a duplicate check of like number, date and amount, in favor of the payee named in the original check. The words, "this duplicate, the original unpaid", shall be inserted in the check after the name of the payee and the board immediately shall cause the depository to be notified of the issue of the duplicate and the depository shall pay the duplicate, but not the original, when presented for payment under the conditions which would have entitled the original to payment. The applicant for the duplicate check also shall execute and deliver to the treasurer a bond payable to the school district in the amount of the check with good and sufficient security to be approved by the treasurer and conditioned that the applicant will indemnify the school district, or any legal holder of the original check for any loss which occurs in case the original check is produced or presented for payment. The bond may be enforced by suit in the name of obligee to its own use or to the use of the party entitled to the benefit thereof. Any municipal corporation or other political subdivision of the state to which, or to whose fiscal officer, any original lost or destroyed school check was payable, pursuant to resolution of its governing body, may execute the bond, and in such cases the bond may be accepted without surety or other security.

165.061. Treasurer, duties of.—From and after the approval of his bond as such, the treasurer of each six-director school district shall receive all moneys belonging to the district, from whatever source derived, and deposit and pay out the same upon checks or orders for payment as provided in section 165.021. He shall also be custodian of all bonds and other securities belonging to the school district.

165.091. School checks to be countersigned.—No money belonging to the school district shall be paid by any depository except upon the check of the treasurer and president of the board of the school district or order for payment duly issued by the treasurer. The board, by resolution, may direct that the signatures be affixed to the checks in facsimile in the manner and with the effect provided in sections 105.273 to 105.278, RSMo.

165.101. Settlements of treasurer of six-director districts, when due.—The treasurer of each six-director school district annually, not later than the first day of August, shall settle with the school board and account to the board for all school moneys received in each fund of the district, and the amount paid out for school purposes in the six-director school district. The settlement, if found correct by the board, shall be approved by the board; and when approved the treasurer shall present his settlement to the clerk of the county court. The clerk shall make a careful examination of the settlement, and if found correct he shall certify the same. The certificate shall be prima facie a discharge of the liability of the treasurer for the funds expressed in the vouchers. At the expiration of his term of office the treasurer shall deliver over to his successor in office all books and papers, with all moneys or other property in his hands, and also all orders, checks, bonds and coupons he has paid or redeemed since his last annual settlement with the board and with the county clerk, and shall take the duplicate receipts of his successor therefor, one of which he shall deposit with the secretary of the board and the other with the county clerk.

165.161. Disbursements, how made in metropolitan districts.—All disbursements of the board of education in metropolitan districts shall be made by checks drawn or orders for payment issued upon a designated depository in the form and subject to the regulations that the board provides.

165.281. Penalty for failure to say valid check of six-director district.—For every failure to pay a check drawn or order for payment issued upon a depository by the treasurer of a six-director school district, when moneys and funds sufficient for the payment thereof are in the depository to the credit of the appropriate funds of the school district, the depository shall forfeit and pay to the holder of the check or the payees of the order for payment ten percent of the amount thereof, and the board may revoke the order designating it as depository.

Approved July 19, 1977.

[S. S. B. 152]

EDUCATION AND LIBRARIES: Special training of teachers.

AN ACT to repeal section 168.022, RSMo Supp. 1975, relating to special training of teachers, and to enact in lieu thereof one new section relating to the same subject with an emergency clause.

SECTION

1. Enacting clause.
168.022. Additional educational requirement for life teaching certificate.

SECTION

A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 168.022, RSMo Supp. 1975 is repealed and

one new section enacted in lieu thereof, to be known as section 168.022, to read as follows:

168.022. Additional educational requirement for life teaching certificate.—

1. After July 1, 1976, no person shall be granted a life teaching certificate to teach in the public schools of this state as provided by section 168.021, unless he has satisfactorily completed a course of two or more semester hours in the psychology and education of the exceptional child.

2. The course shall include instruction on identification of children with learning disabilities caused by neurological disorders, mental retardation and sociological factors. The course shall provide information on methods and techniques for teaching exceptional children, sources of referral and assistance to teachers and parents.

Section A. Emergency clause.—Because of the need of many teachers to become recertificated before the beginning of the 1977-1978 school year in order to furnish educational services to the children of this state, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved June 14, 1977.

[S. B. 325]

EDUCATION AND LIBRARIES: Teachers' retirement.

AN ACT to repeal section 169.010, RSMo Supp. 1975, relating to teachers' retirement, and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
169.010. Definitions.

SECTION

169.140. Full-time employees of a public junior college, college or university who are certificated as teachers to be members, when—exceptions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 169.010, RSMo Supp. 1975, is repealed and two new sections enacted in lieu thereof, to be known as sections 169.010 and 169.140, to read as follows:

169.010. Definitions.—1. The following words and phrases, as used in sections 169.010 to 169.130, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions" shall mean the sum of the annual contributions a member has made to the retirement system through deductions from his salary, plus interest compounded annually on each year's contributions from the end of the school year during which such contributions were made;

(2) "Board" shall mean the board of trustees provided for in sections 169.010 to 169.130;

(3) "Creditable service" shall mean prior service or membership service, or the sum of the two, if the member has both to his credit;

(4) "District" shall mean public school, as herein defined;

(5) "Employ" shall have a meaning agreeable with that herein given to employer and employee;

(6) "Employee" shall be synonymous with the term "teacher" as the same is herein defined;

(7) "Employer" shall mean the district that makes payment directly to the teacher or employee for his services;

(8) "Final average salary" shall mean the total compensation payable to a member

for any five consecutive years of creditable service, as elected by the member, divided by sixty; with the proviso that any annual compensation entering into the total compensation shall not exceed twelve thousand six hundred dollars for any year prior to July 1, 1967;

(9) "Member" shall mean a person who holds membership in the retirement system;

(10) "Membership service" shall mean service rendered by a member of the retirement system after the system becomes operative, and may include a period of service in the armed forces of the United States as provided for in subsection 3 of section 169.055;

(11) "Prior service" shall mean service rendered by a member of the retirement system before the system becomes operative, and may include service rendered by a member of the armed forces during a period of war, if the member was a teacher at the time he was inducted, for which credit has been approved by the board of trustees;

(12) "Public school" shall mean any school conducted within the state under the authority and supervision of a duly elected district or city or town board of directors or board of education and the board of regents of the several state teachers' colleges, or state colleges, board of trustees of the public school retirement system of Missouri, and also the state of Missouri and each county thereof, to the extent that the state and the several counties are employers of teachers as herein designated;

(13) "Retirement allowance" shall mean a monthly payment for life during retirement;

(14) "Retirement system" or "system" shall mean the public school retirement system of Missouri created by sections 169.010 to 169.130;

(15) "School year" shall mean the year from July first of one year to June thirtieth of next year, inclusive, which shall also be the fiscal year of the system;

(16) "Teacher" shall mean any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, or librarian who shall teach or be employed by any public school, on a full-time basis and who shall be duly certificated under the law governing the certification of teachers; any county superintendent of schools, assistant county superintendent of schools and those employed by county superintendents of schools upon a full time basis and who shall be duly certified under the law governing the certification of teachers; and the commissioner of education, persons employed in the state department of elementary and secondary education or by the state board of education in an executive capacity and other persons employed by said state board of education on a full-time basis who shall be duly certificated under the law governing the certification of teachers; and persons employed by the board of trustees of the public school retirement system of Missouri on a full-time basis who shall be duly certified under the law governing the certification of teachers.

2. The masculine pronoun shall include the feminine.

169.140. Full-time employees of a public junior college, college or university who are certificated as teachers to be members, when—exceptions.—Any person employed in a public junior college, college or university upon a full-time basis and who shall be duly certificated under the law governing the certification of teachers, or any person employed in said public junior college, college or university in a full-time teaching, supervisory or educational administrative position certified by the executive officer of the institution for such full-time duties shall be a member of the public school retirement system of Missouri; except that, if the employee is a member of the non-teacher employees' retirement system or the state employees' system, at the time such employment would qualify him for membership under this section he may elect to continue in such system if he makes the election to continue within thirty days after this act takes effect or at the time he becomes eligible for membership in the public school

retirement system. This section shall not be construed to include employees of the university of Missouri or Lincoln university.

Approved July 29, 1977.

[H. B. 477]

EDUCATION AND LIBRARIES: Public school retirement system.

AN ACT to repeal sections 169.030, 169.060 and 169.070, RSMo Supp. 1975, relating to the public school retirement system, and to enact in lieu thereof three new sections relating to the same subject.

SECTION

1. Enacting clause.
169.030. Contributions by members and employers—rate—withholding required—penalty for failure to withhold.

SECTION

169.060. Retirement, mandatory, permissive and disability.
169.070. Retirement allowances, how computed—options—effect of federal O.A.S.I. coverage—cost of living adjustment authorized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 169.030, 169.060 and 169.070, RSMo Supp. 1975, are repealed and three new sections enacted in lieu thereof to be known as sections 169.030, 169.060 and 169.070, to read as follows:

169.030. Contributions by members and employers—rate—withholding required—penalty for failure to withhold.—1. The funds required for the operation of the retirement system created by sections 169.010 to 169.130 shall come from contributions made in equal amounts by members of the system and their employers, and from such interest as may be derived from the investment of any part of such contributions. All contributions shall be transmitted to the board of trustees by employers in such manner and at such time as the board by rule shall require.

2. For each school year following the date on which the system becomes operative, each and every employer of one or more persons who are members of the system shall transmit to the board of trustees, before the end of such school year, twice the amount that is deductible from the pay of such employee or employees during the school year. Failure or refusal to transmit such amount as required shall render the person or persons responsible therefor individually liable for twice the amount so withheld. Suits for the recovery of amounts for which individuals are thus rendered liable shall be instituted and prosecuted by the board of trustees in the name of the retirement system. In addition to such civil penalty, and not in lieu thereof, any person or persons made responsible for the payment of contributions who shall willfully and knowingly fail or refuse to transmit such contributions or any part thereof to the board of trustees shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars and not more than two hundred dollars, and each day such person or persons shall so fail or refuse to transmit such contributions shall be deemed a separate offense.

3. The contributions of members of the retirement system shall be collected by their employers through appropriate deductions from paychecks. The total amount deducted from the paychecks of members during any school year shall equal such a percent of their salary rates as may be required by the contribution rate then in effect.

4. The contribution rate shall be three percent for the first year of the system's operation. After the first year of operation the board of trustees shall have authority to fix the level rate of contribution, not to exceed ten and one-half percent, required for the operation of the system and to make adjustments in such rate as many thereafter be necessary; provided that if the level rate required for operation of the system shall exceed ten and one-half percent for five consecutive years, all benefits provided herein

shall be equitably reduced to such an extent that the rate required for the operation of the system shall be ten and one-half percent.

5. Regardless of the provisions of any law governing compensation and contracts, every teacher or employee shall be deemed to consent and agree to the deductions provided herein. Payment of salary or compensation less said deduction shall be a full and complete discharge of all salary or compensation claims and demands during the period covered by such payment, except as to the benefits provided under sections 169.010 to 169.130.

169.060. Retirement, mandatory, permissive and disability.—1. A member who is seventy years of age or more one year after the date the retirement system becomes operative shall be retired as of that date and shall be entitled to benefits, as provided in sections 169.010 to 169.130, on the basis of his creditable service. Thereafter, a member shall be retired automatically on the first day of July next following the school year in which he reaches the age of seventy years, and shall thereupon be entitled to benefits, as provided in sections 169.010 to 169.130, on the basis of his creditable service, if his creditable service is five years or more.

2. On and after the first day of July next following the operative date, any member who is sixty or more years of age, and whose creditable service is five years or more, or any member whose creditable service is thirty years or more and that member has obtained fifty-five years of age, may retire upon written application to the board of trustees and receive the full retirement benefits based on his creditable service.

3. On and after the first day of July next following the operative date, any member who is teaching in a district included in the retirement system at the time he becomes disabled, or who has taught in such a district at some time in the twelve months immediately preceding his becoming disabled, and whose disability is traceable to an injury or sickness which was sustained or commenced prior to the cessation of such teaching, and whose age is less than sixty and whose creditable service in districts included in the retirement system is eight years or more, may be retired with disability benefits as provided in sections 169.010 to 169.130 upon written application to the board of trustees, if he is incapacitated because of physical or mental disability as such disability is herein defined. If such disability shall cease to exist before the recipient of such benefits reaches age sixty, his membership status as of the date of his disability retirement shall be restored. If he seeks before becoming eligible for such retirement allowance, to withdraw his accumulated contributions, the total of such disability payments shall be deducted from the amount otherwise due him.

4. Disability, as a basis for retirement, shall render the individual incapable of earning a livelihood in any occupation and shall be of such a nature as to warrant the assumption that it will be permanent. Whether or not such disability exists in any case shall be adjudged by the board of trustees on the basis of reports made by two or more physicians selected by the board to examine the member. Until he reaches age sixty, the recipient of a disability retirement allowance may be required to submit to periodic examinations by physicians selected by the board, and if any such examination shows that the recipient is no longer incapable of earning a livelihood in any occupation, his disability retirement shall be terminated.

169.070. Retirement allowances, how computed—options—effect of federal O.A.S.I. coverage—cost of living adjustment authorized.—1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose creditable service is thirty years or more, may be the sum of the following items, not to exceed eighty percent of the member's final average salary:

- (1) Two percent of his final average salary for each year of membership service;
- (2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

2. In lieu of the retirement allowance provided in sub-section 1, a member whose

age is sixty years or more at the time this act becomes effective may elect to have his retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of his final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of (1) and (2) above for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. In lieu of the retirement allowance provided either in subsection 1 or in subsection 2, a member whose age at retirement is sixty years or more or whose creditable service is twenty-five years or more may elect in his application for retirement to receive the actuarial equivalent of his retirement allowance in reduced monthly payments for life during retirement with the provision that

Option 1. Upon his death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in his election of the option

OR

Option 2. Upon his death one-half the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in his election of the option.

The election of option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective; provided, that if either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, except that if the member dies after attaining age sixty or after acquiring twenty-five or more years of creditable service and before retirement, his spouse, if named as his beneficiary, may elect to receive either survivorship benefits under option 1 or a payment of his accumulated contributions.

5. If the total of the retirement allowance paid to an individual before his death is less than his accumulated contributions at the time of his retirement, the difference shall be paid to his beneficiary, or to his estate, if there be no beneficiary. If an optional benefit as provided in subsection 3 had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and his beneficiary are less than the total of the contributions, the difference shall be paid to the estate of the retired individual.

6. If a member dies before receiving a retirement allowance, his accumulated contributions at the time of his death shall be paid to his beneficiary or to his estate, if there be no beneficiary; provided, however, that no such payment shall be made if the beneficiary elects option 1 in subsection 2.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if his membership is otherwise terminated, he shall be paid his accumulated contributions with interest if he has contributed for two years or more. If he has contributed for less than two years he shall be paid the amount he has contributed without interest.

8. Notwithstanding anything in sections 169.010 to 169.130 to the contrary, if a member ceases to be a public school employee after acquiring ten or more years of membership service in Missouri, he may at his option leave his contributions with the retirement system and claim a retirement allowance any time after he reaches the minimum age for voluntary retirement. When his claim is presented to the board, he shall be granted an allowance as provided in sections 169.010 to 169.130 on the basis of his age, years of service, and the provisions of the law in effect at the time of his last service; except that if such a member returns to teaching within four years, this

provision will not apply and his benefits on retirement shall be computed on the basis of the law in effect at that time. Notwithstanding anything in this section to the contrary, a member who has acquired twenty or more years of creditable service prior to August 13, 1972, may elect to have his benefits calculated under the provisions of the law in effect at the time he requests his retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which his creditable service would entitle him if his age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which he received a year of creditable service immediately prior to his disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which he would have been entitled upon retirement at age sixty if he had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding anything in this law to the contrary, from the effective date of this law, the contribution rate under this law shall be multiplied by the factor of two-thirds for any member of the system for whom Federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of his employment entitling him to membership in the system. The monetary benefits under this law for such a member shall be multiplied by the factor of two-thirds if the member elects within one year after this law becomes effective to pay into the system a retroactive contribution of four percent on that part of his annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by the system between July 1, 1957, and July 1, 1961. The retroactive payment shall be made by the member paying to the system over a period of not longer than four years from the date of election; provided, however, that if a member is retired prior to completing such payments the balance due shall be deducted from his retirement allowance. The monetary benefits under this law for a member not electing to make retroactive payments shall be the sum of

(1) The benefits provided in this section, as it appears in RSMo 1959, for years of creditable service prior to July 1, 1961; and

(2) Two-thirds of the monetary benefits under this law for years of creditable service after July 1, 1961. If there is a discontinuance or termination of the payment of Federal Old Age and Survivors Insurance tax from state or local funds, the provisions of sections 169.010 to 169.130 shall be in full force and effect for such a member.

11. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3, will be eligible to receive an increase in his retirement allowance of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or section 169.585, nor shall the amount being paid under these sections be reduced because of any increases provided for in this section.

12. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount which each retired member received at the time of his retirement, or by two percent of the amount which he was receiving after the adjustment provided for in subsection 11 for those members retired prior to September 1, 1972; with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1977, whichever later occurs, and that the total of the increases granted to a retired member or the beneficiary after December 31, 1976

may not exceed ten percent. If the cost of living increases less than two percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed two percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

13. The board of trustees may reduce the amounts which have been granted as increases to a member under subsection 12 if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

Approved July 19, 1977.

[S. B. 160]

EDUCATION AND LIBRARIES: Retirement systems in public school districts.

AN ACT to repeal sections 169.280 RSMo SUP 1969, 169.270, 169.324 and 169.326, RSMo SUP 1975 relating to retirement systems in public school districts of four hundred thousand population and to enact in lieu thereof four new sections relating to the same subject.

SECTION

1. Enacting clause.
- 169.270. Definitions.
- 169.280. Retirement system created—
system, how managed.

SECTION

- 169.324. Retirement benefits, how
computed.
- 169.326. Optional plans for payment of
benefits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 169.280 RSMo SUP 1969, 169.270, 169.324 and 169.326, RSMo SUP 1975 are repealed and four new sections enacted in lieu thereof, to be known as sections 169.280, 169.270, 169.324 and 169.326, to read as follows:

169.270. Definitions.—The following words and phrases as used in sections 169.270 to 169.400, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and credited to his individual account together with interest thereon in the employees contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.340;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of interest and such mortality tables as shall be adopted by the board of trustees;

(3) "Average final compensation", under plan A shall mean the average annual compensation of the member paid him during the five years of creditable service at the maximum compensation received by him, provided any compensation in excess of three thousand dollars per annum shall be considered three thousand dollars;

(4) "Average final compensation" under plan B shall mean the highest average annual compensation of the member received for any five consecutive years of service of his last ten years of service or if he has had less than ten years of his entire period of service, provided any compensation in excess of the maximum compensation for the same period as shown by the salary and wage schedules for the classification of a principal with a master's degree shall be considered at the maximum compensation for a principal with a master's degree;

(5) "Beneficiary", any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(6) (a) "Benefit earnings base", the maximum annual compensation considered under the Federal Old-Age, Survivors and Disability Insurance System of the Social Security Act for the determination of benefits unless some other amount has been prescribed by the board of trustees under subsection 16 of section 169.310;

(b) "Contribution earnings base", the maximum annual compensation considered under the Federal Insurance Contribution Act for the determination of the tax payable in a calendar year; except that, by a majority vote of the school district board of education and a majority vote of the board of trustees the contributions earnings base may be fixed at six thousand five hundred dollars;

(7) "Board of education", the board of directors of the school district or corresponding board, by whatever name, having charge of the public schools of the school district;

(8) "Board of trustees", the board provided for in section 169.310 to administer the retirement system;

(9) "Compensation", the regular compensation as shown on the salary and wage schedules, not to include extra pay, overtime pay or any other payments not included on salary and wage schedules; provided that in plan A any compensation in excess of three thousand dollars per annum shall be considered three thousand dollars in plan B such compensation shall not exceed the maximum compensation for the same period as shown by the salary and wage schedules for the classification of a principal with a master's degree;

(10) "Creditable service", three-fourths of prior service plus membership service as provided for in section 169.300;

(11) "Employee", all persons regularly employed in any capacity by the board of education or board of trustees of the retirement system, but shall not mean or include a temporary or part-time employee;

(12) "Medical board", the board of physicians provided for in section 169.310;

(13) "Member", a member of the retirement system as defined by section 169.290; "active member" shall mean a member who is an employee; "inactive member" shall mean a member who is not an employee;

(14) "Membership service", service for which the required contributions have been made;

(15) "Plan A", the plan for the present members of the retirement system who elect within thirty days after October 13, 1961, to contribute and receive benefits as provided in sections 169.270 to 169.400 for plan A members;

(16) "Plan B", the plan for all other regular employees of the school district as defined in this section for plan B members;

(17) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.300. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(18) "Regular employee", any person who is assigned to an established position which requires a service of not less than five clock hours per day, five days per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue his status as a regular employee. In case of doubt as to whether any person is so included within the benefits of sections 169.270 to 169.400, the decision of the board of trustees provided for in section 169.290 shall be subject to review in the manner prescribed by chapter 536, RSMo;

(19) "Retirant", a former member receiving a retirement allowance hereunder;

(20) "Retirement allowance", equal monthly payments for life to a retirant or to such beneficiary as is entitled to same, as provided herein;

(21) "School district", any school district now or hereafter having a population of not less than three hundred thousand inhabitants and not more than seven hundred thousand inhabitants in which a retirement system shall be established under sections 169.270 to 169.400.

The masculine pronoun, wherever used, shall include the feminine.

169.280. Retirement system created—system, how managed.—In each school district of this state that now has or may hereafter have a population of not less than three hundred thousand inhabitants and not more than seven hundred thousand inhabitants, there is hereby created and established a retirement system for the purpose of providing retirement allowances for employees of said school district. Each such system shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of (name of school district)" and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held. The retirement system so created shall begin operation as of the first day of the month next following one hundred and twenty days after the adjournment of the session of the general assembly at which this law was enacted, or on the thirtieth day of September following the date when a school district has or attains a population of not less than three hundred thousand inhabitants and not more than seven hundred thousand inhabitants.

169.324. Retirement benefits, how computed.—1. Upon retirement from service a plan A member on or after his normal retirement age shall receive an annual service retirement allowance payable in equal monthly installments which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions, with interest, at the time of his retirement; and

(2) A pension in addition to his annuity which together with his annuity shall aggregate one and one-fourth per cent of his average final compensation multiplied by the number of years of his creditable service.

2. Upon retirement from service on or after his minimum normal service retirement age of sixty-five, a plan B member shall receive an annual service allowance payable in monthly installments equal to his number of years of creditable service multiplied by the sum of:

(1) One per cent of his final average compensation and

(2) One-half per cent of that part of his final average compensation in excess of the benefit earnings base then in effect; except that, by a majority vote of the school district board of education and a majority vote of the board of trustees the benefit earnings base may be set at six thousand five hundred dollars, but this establishment of the earnings base shall not serve to reduce any benefit for any person attaining the age of sixty-five prior to January 1, 1973.

(3) If at retirement from service the accumulated contributions of a member would provide more than one-half of his retirement allowance based on the interest rate, mortality and other tables then adopted by the board of trustees, the amount of his retirement allowance shall be increased by such excess over one-half.

169.326. Optional plans for payment of benefits.—1. No optional selection shall become effective in case a retirant dies within thirty days after retirement or within thirty days after filing such election; in such an event the retirant shall be considered as an active member at the time of death. Until the first payment on account of any benefit becomes normally due, any retirant may elect to receive the actuarial equivalent of his retirement allowance at that time, in a lesser or greater retirement allowance payable throughout life but only options 1, 2 and 3 shall apply under plan A and only options 2, 3 and 4 shall apply under plan B.

Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representative or to such person as he shall nominate by written designation duly acknowledged and filed with the board of trustees, or

Option 2. Upon his death, his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of trustees at the time of his retirement, or

Option 3. Upon his death, one-half of his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of trustees at the time of his retirement, or

Option 4. Upon his death no benefits shall be paid to any beneficiary or estate of the retired member. The election of this optional benefit, which is actuarially increased over the benefit formula with benefits at death, shall require written notice duly acknowledged and filed with the board of trustees at the time of his retirement.

2. If the computed retirement allowance at normal retirement age or disability allowance of a plan A member is less than three hundred sixty dollars per year such member shall be given an option by the board of trustees to receive a minimum retirement allowance or minimum disability allowance as follows:

If the creditable service of a member shall be five years but less than ten years, the allowance of three hundred sixty dollars per year shall be payable for three years only;

If the creditable service shall be ten years but less than fifteen years, the said three hundred sixty dollars per year shall be payable for six years only;

If the creditable service shall be fifteen years but less than twenty years, the said three hundred sixty dollars per year shall be paid for ten years only;

If the creditable service shall be twenty years or over, the said three hundred sixty dollars per year shall be paid for life. All such minimum allowances shall in any case terminate at death.

3. If the death of any member under plan B who has not elected an option occurs before he has received total benefits at least as large as accumulated contributions at retirement, the difference shall be paid in one lump sum to his designated beneficiary, if living, otherwise to the estate of the retired member.

4. If a plan B member dies before retirement but after becoming eligible for retirement benefits and a dependent of the member is designated as primary beneficiary to receive his accumulated contributions, the beneficiary may in lieu thereof, request that benefits be paid under option 2, subsection 1, as if the member had retired under such option as of the date of death. A "dependent beneficiary" for the purpose of this subsection only shall mean either the surviving spouse or a person who at the time of the death of the member was receiving at least one-half of his support from the member and the determination of the board of trustees as to whether a person is a dependent shall be final.

Approved July 19, 1977.

[S. B. 159]

EDUCATION AND LIBRARIES: Retirement systems in public school districts.

AN ACT to repeal section 169.290 RSMo Supp. 1969, relating to retirement systems in public school districts of four hundred thousand to seven hundred thousand population and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

169.290. Employees to be members—election of plan, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 169.290 RSMo Supp. 1969 is repealed and one new section enacted in lieu thereof, to be known as section 169.290, to read as follows:

169.290. Employees to be members—election of plan, when.—1. All persons who become employees and all employees who enter or reenter the service of the school district or retirement system after the date the retirement system begins operation shall become members as a condition of their employment.

2. Any employee in service on the date the retirement system becomes operative shall become a member as of that date unless prior thereto he shall file with the board of trustees on a form prescribed by the board of trustees a notice of his election not to become a member of the retirement system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system.

3. Any employee whose membership is contingent on his own election and who elects not to become a member and any employee ineligible as a member on the operative date because of a board rule, which rule was rescinded during the first year of operation, may become a member, but no such employee shall receive credit for prior service unless he becomes a member within one year from the date the retirement system becomes operative.

4. Should any member with less than the years of creditable service required for vesting of accrued benefits not be an employee for more than four consecutive years, or should any member withdraw his accumulated contributions or should any member become a retirant, or die, he shall thereupon cease to be a member; provided that leaves of absence for military or naval service or leaves of absence for academic study or illness shall be for such period as the board of trustees shall approve.

5. Any member who has five or more years of creditable service and who has attained age forty may leave his accumulated contributions with the system as an inactive member with vested accrued benefits.

6. (1) All persons who have become members under provisions of this section may elect to remain under Plan A as provided in sections 169.270 to 169.400, provided they shall file with the board of trustees on a form prescribed by the board a notice of such election within thirty days after October 13, 1961.

(2) All members who do not elect to remain under Plan A and all persons regularly employed after October 31, 1961, shall contribute and receive benefits in accordance with Plan B.

(3) Any employee under Plan A shall upon request be transferred to Plan B, provided he pays the system any additional contributions with interest he would have had credited to his account if he had been a member of Plan B since its inception; or if his contributions and interest are in excess of what he would have paid, he will receive a refund of such excess.

Approved July 19, 1977.

[H. B. 135]

EDUCATION AND LIBRARIES: Nonteacher school employee retirement system.

AN ACT to repeal section 169.610, RSMo 1969, and sections 169.600, 169.620, 169.630, 169.650, and 169.670, RSMo Supp. 1975, relating to the nonteacher school employee retirement system, and to enact in lieu thereof six sections relating to the same subject.

SECTION

1. Enacting clause.
- 169.600. Definitions.
- 169.610. System established—board of trustees to administer—funds to be kept separate.
- 169.620. Contributions by members and employers—rate—penalty for

SECTION

- failure to remit—benefits to be reduced, when.
- 169.630. Funds of system, how invested—custodian, how selected.
- 169.650. Membership—prior service credit—reinstatement, procedure for.
- 169.670. Benefits, how computed—beneficiary benefits, options, election of.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 169.610, RSMo 1969, and sections

169.600, 169.620, 169.630, 169.650 and 169.670, RSMo Supp. 1975 are repealed and six new sections enacted in lieu thereof, to be known as sections 169.600, 169.610, 169.620, 169.630, 169.650 and 169.670, to read as follows:

169.600. Definitions.—As used in sections 169.600 to 169.710, unless the context clearly requires otherwise, the following words and phrases mean:

(1) "Accumulated contributions", the sum of the annual contributions a member has made to the retirement system through deductions from his salary, plus interest compounded annually on each year's contributions from the end of the school year during which such contributions were made;

(2) "Average compensation", as used in subdivision (3) of subsection 1 of section 169.670, shall be the total compensation paid to a member for any ten consecutive years of creditable service, or for the entire period of creditable service if less than ten years, prior to July 1, 1973, divided by one hundred twenty or by the number of months in his period of creditable service if less than ten years; provided, that in determining the total compensation, any annual compensation entering into the total shall not be less than one thousand two hundred dollars and shall not exceed ten thousand dollars;

(3) "Board", the board of trustees provided for in section 169.020;

(4) "Creditable service", prior service or membership service or the sum of the two if the member has both to his credit;

(5) "Employee", any person regularly employed by a public school district, junior college district or by the board of trustees, as defined in sections 169.600 to 169.710, who devotes at least twenty hours per week to such employment in a position which is not covered by the public school retirement system of Missouri; provided, however, that no person shall be required to contribute to, or shall receive benefits from both the retirement system herein established and the public school retirement system of Missouri for the same services;

(6) "Employer", the district or other employer that makes payment directly to the employee for his services;

(7) "Final average salary", the total compensation paid to a member for any five consecutive years of creditable service divided by sixty; provided, that in determining the total compensation, any annual compensation less than one thousand two hundred dollars shall be regarded as one thousand two hundred dollars and an annual compensation for services prior to July 1, 1973, in excess of ten thousand dollars shall be regarded as ten thousand dollars;

(8) "Junior college district", any public junior college district organized and operated under the provisions of sections 178.770 to 178.890, RSMo, which enters into an agreement with the board of trustees of the retirement system to include its eligible employees in the system immediately upon the effective date of the agreement.

(9) "Member", a person who holds membership in the retirement system;

(10) "Membership service", service rendered by a member of the system after the system becomes operative;

(11) "Prior service", service rendered by a member of the retirement system before the system becomes operative and may include service as a teacher for which credit has not been claimed from the public school retirement system of Missouri;

(12) "Public school district" or "district", any duly constituted public school district under the authority and supervision of a duly elected district or city or town board of directors or board of education, except those school districts defined in sections 169.270 and 169.410;

(13) "Retirement allowance", a monthly payment for life, during retirement;

(14) "Retirement system" or "system", the nonteacher school employee retirement system of Missouri created by sections 169.600 to 169.710;

(15) "School year", the year from July first of one year to June thirtieth of the next year, inclusive, which shall also be the fiscal year of the system.

169.610. System established—board of trustees to administer—funds to be

kept separate.—1. There is hereby created and established a retirement system for nonteacher employees of all public school districts, as defined in sections 169.600 to 169.710, which shall be a body corporate and which shall be known as "The Nonteacher School Employee Retirement System of Missouri". The system shall, by and in its name, sue and be sued, transact all its business, invest all of its funds, and hold all its cash, securities and other property. The system hereby established shall begin operations on the first day of November, 1965.

2. The general administration of and the responsibility for the proper operation of this retirement system and for making effective the provisions of sections 169.600 to 169.710, is hereby vested in the board of trustees for the public school retirement system as established by section 169.020.

3. Said board shall keep all funds belonging to this system separate and apart from all other funds, but shall manage and administer this system in all other respects as prescribed by section 169.020.

169.620. Contributions by members and employers—rate—penalty for failure to remit—benefits to be reduced, when.—1. The funds required for the operation of the retirement system created by sections 169.600 to 169.710 shall come from contributions made in equal amounts by employees as herein defined and their employers, beginning November 1, 1965, and from such interest or income as may be derived from the investment of funds of the system. All contributions shall be transmitted to the board of trustees by employers in such manner and at such times as the board by rule shall require.

2. For each school year following the date on which the system becomes operative, each and every employer of one or more persons who are members of the system shall transmit to the board of trustees, before the end of such school year, twice the amount that is deductible from the pay of such employee or employees during the school year. Failure or refusal to transmit such amount as required shall render the person or persons responsible therefor individually liable for twice the amount so withheld. Suits for the recovery of amounts for which individuals are thus rendered liable shall be instituted and prosecuted by the board of trustees in the name of the retirement system. In addition to such civil penalty, and not in lieu thereof, any person or persons made responsible for the remittance of contributions who shall willfully and knowingly fail or refuse to transmit such contributions or any part thereof to the board of trustees shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars and not more than two hundred dollars. Each day such person or persons shall so fail or refuse to transmit such contributions shall be deemed a separate offense. The board of trustees may request the employer to provide the information necessary to administer the system and to advise each member of his status.

3. The contributions of members of the retirement system shall be collected by their employers through appropriate deductions from paychecks. The total amount deducted from the paychecks of members during any school year shall equal such a percent of their salary rates as may be required by the contribution rate then in effect. For contribution purposes any annual salary rate less than one thousand two hundred dollars shall be regarded as one thousand two hundred dollars.

4. The contribution rate shall be three percent of earnings. If the level rate required for the operation of the system shall exceed three percent for five consecutive years, all benefits herein provided shall be equitably reduced to such an extent that the rate required for the operation of the system shall be three percent.

5. Regardless of the provisions of any law governing compensation and contracts, every employee shall be deemed to consent and agree to the deductions provided herein. Payment of salary or compensation less said deduction shall be a full and complete discharge of all salary or compensation claims and demands during the period covered by such payment, except as to the benefits provided under sections 169.600 to 169.710.

6. A person serving as an employee as defined in section 169.600, who became a member after November 1, 1965, and before July 1, 1974, and who was regularly employed to serve for twenty or more hours per week at some time during the period November 1, 1965, to July 1, 1974, may receive membership service credit for such service by paying into the system the amount, with interest at such rate as may be set by the board with the limits set by law for interest rates, he would have contributed had he been eligible for membership.

169.630. Funds of system, how invested—custodian, how selected.—1. All funds arising from the operation of sections 169.600 to 169.710 shall belong to the retirement system herein created and shall be controlled by the board of trustees and that board shall provide for the collection of these funds, see that they are safely preserved, and shall permit their disbursement only for the purposes herein authorized. All funds when collected shall be deposited with the custodian. These funds are declared and shall be deemed to be the moneys and funds of this retirement system and not general funds of the state and shall not be commingled with any state funds or other retirement funds.

2. The board shall invest all funds under its control which are in excess of a safe operating balance. The investment shall be made only in securities authorized for investment by section 169.040.

3. No investment transaction authorized by the board shall be handled by any company or firm in which a member of the board has an interest, nor shall any member of the board profit directly or indirectly from any such investment. All investments shall be made for the account of the retirement system, and any securities or other properties obtained by the board of trustees may be held in the name of the retirement system, or in the name of a nominee in order to facilitate the expeditious transfer of such securities or other property. For the purpose of registering securities in the name of a nominee, the board of trustees shall appoint and employ a partnership as its agent. The partnership shall consist of two or more members of the board of trustees to serve concurrently with their terms of office, or until such time as they resign as partners or they are succeeded by other board members.

4. The board of trustees shall select a custodian of the funds belonging to the retirement system, shall control his tenure, and shall regulate his compensation. With appropriate safeguards against loss by the system in any contingency, the board may designate a bank or trust company to serve as intermediary in the payment of the system's obligations. The custodian shall transfer funds to such bank or trust company only on requisitions signed by two persons designated by the board of trustees and accompanied by schedules or vouchers setting forth the payments to be made from the funds so transferred. The bank or trust company serving as intermediary shall credit the retirement system with all funds so transferred, and shall make payments therefrom only upon checks drawn in the name of the system and bearing the signature of the secretary of the board of trustees, which signature may be in facsimile. Payments other than transfers shall be made by the custodian only upon checks signed by two persons designated by the board of trustees and specifying the purposes for which the payments are to be made. A duly attested copy of the resolution of the board designating the persons authorized to sign checks and requisitions shall be filed with the custodian. No such checks or requisitions shall be drawn unless they previously have been authorized by the board.

169.650. Membership—prior service credit—reinstatement, procedure for.—1. On and after October 13, 1965, all employees as herein defined of districts included in this retirement system shall be members of the system by virtue of their employment, and all persons who had five years of prior service who were employees of districts included in sections 169.600 to 169.710 during the school year next preceding October 13, 1965, but who ceased to be employees prior to October 13, 1965, because of physical disability, shall be members of this system by virtue of that prior service.

2. Any person who becomes a member before the end of the school year next following the date on which the system becomes operative or an employee of a junior college district who becomes a member before the end of the school year next following the effective date of the agreement which provides for his membership may claim credit for service rendered as an employee of a district or junior college district included in the system prior to said operative date, by filing with the board of trustees, within such time as the board may specify, a complete and detailed record of the service for which credit is claimed, together with such supporting evidence as the board may require for verification of the record. To the extent that the board finds the record correct, it shall credit the claimant with prior service and shall notify him of its decision.

3. Membership shall be terminated by failure of a member to be a public school employee under this system for more than four of any five consecutive years, by death, withdrawal of contributions, or retirement.

4. If a member withdraws or is refunded his contributions, he shall thereby forfeit any creditable service he may have; provided, however, if such person again becomes a member of the system, he may elect within five years or before July 1, 1979, whichever is later after such reemployment and prior to retirement to reinstate any creditable service forfeited at the time of withdrawal or refund. The reinstatement shall be effected by the member's paying to the retirement system, with interest, the amount of accumulated contributions withdrawn by him or refunded to him at the time of withdrawal or refund and by serving as an employee for not less than five years after returning before retirement; provided, however, that reinstatement with respect to eligibility for disability retirement shall be effective after returning and serving not less than two years as an employee if such service makes a total of at least eight years served. The payment may be made over a period not to exceed five years from the date of election and with interest on the unpaid balance; provided, however, that if a member is retired on disability before completing such payments, the balance due, with interest, shall be deducted from his disability retirement allowance.

169.670. Benefits, how computed—beneficiary benefits, options, election of.—1. The retirement allowance of a member whose age at retirement is sixty years or more shall be the sum of the following items:

- (1) For each year of membership service, one percent of his final average salary;
- (2) One-half of the amount payable for a year of membership service for each year of prior service; and
- (3) Eighty-five one hundredths of one percent of any amount by which his average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal social security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus one-half of the amount payable for a year of membership service for each year of prior service credit.

2. In lieu of such retirement allowance, a member may elect, in his application for retirement, to receive the actuarial equivalent of his retirement allowance in reduced monthly payments for life during retirement with the provision that

Option 1. Upon his death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in his election of the option

OR

Option 2. Upon his death, one-half the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in his election of the option.

The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective; provided, if either the member or the person nominated dies before the

effective date of retirement, the option shall not be effective.

3. If the total of the retirement allowances paid to an individual before his death is less than his accumulated contributions at the time of his retirement, the difference shall be paid to his beneficiary or to his estate, if there be no beneficiary; provided, however, that no such payment shall be made if one of the options in subsection 2 has been elected.

4. If a member dies before receiving a retirement allowance, his accumulated contributions at the time of his death shall be paid to his beneficiary or to his estate, if there be no beneficiary.

5. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if his membership is otherwise terminated, he shall be paid his accumulated contributions with interest.

6. Notwithstanding anything in sections 169.600 to 169.710 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring ten or more years of creditable service, he may at his option leave his contributions with the retirement system and claim a retirement allowance any time after he reaches the minimum age for voluntary retirement. When his claim is presented to the board, he shall be granted an allowance as provided in sections 169.600 to 169.710 on the basis of his age and years of service.

7. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which his creditable service would entitle him if his age were sixty-five.

8. Notwithstanding anything in sections 169.600 to 169.710 to the contrary, any member who is a member prior to October 13, 1969, may elect to have his retirement allowance computed in accordance with sections 169.600 to 169.710 as they existed prior to October 13, 1969.

Approved June 14, 1977.

[S. S. B. 74]

EDUCATION AND LIBRARIES: Textbooks.

AN ACT to repeal section 170.051, RSMo Supp. 1975, relating to textbooks, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SECTION

1. Enacting clause.

SECTION

175.051. Textbook defined—school board to provide free textbooks in public schools—funds to be used.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 170.051, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 170.051, to read as follows:

170.051. Textbook defined—school board to provide free textbooks in public schools—funds to be used.—1. As used in this section, the term "textbook" means workbooks, manuals, or other books, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each pupil in such class or group.

2. Each public school board shall purchase and loan free all textbooks for all children who are enrolled in grades kindergarten through twelve in the public schools of the district.

3. Only textbooks which are filed with the state board of education pursuant to section 170.061 shall be purchased and loaned under this section. No textbooks shall be purchased or loaned under this section to be used in any form of religious instruction or worship.

4. Each school board shall purchase from the free textbook fund or from the incidental fund of the district if the free textbook fund is insufficient, all the textbooks for all the pupils in all grades of the public schools of the district. The board may also expend either textbook fund moneys or incidental fund moneys to provide supplementary texts, library and reference books, contractual educational television services, and instructional supplies for all the pupils of the public schools of the district. All books purchased from district funds are the property of the district but shall be furnished, under rules and regulations prescribed by the school board, to the pupils without charge, except for abuse or willful destruction.

Approved June 14, 1977.

[H. S. S. B. 47]

EDUCATION AND LIBRARIES: Curators of the University of Missouri.

AN ACT to repeal section 172.020 RSMo 1969, relating to the corporate name and powers of the Curators of the University of Missouri and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

172.020. Corporate name—powers of curators—restrictions on dealings in real property.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 172.020 RSMo 1969, is repealed and one new section enacted in lieu thereof to read as follows:

172.020. Corporate name—powers of curators—restrictions on dealings in real property.—The university is hereby incorporated and created a body politic and shall be known by the name of the "The Curators of the University of Missouri", and by that name shall have perpetual succession, power to sue and be sued, complain and defend in all courts; to make and use a common seal, and to alter the same at pleasure; to take, purchase and to sell, convey and otherwise dispose of lands and chattels, except that the curators shall not have the power to subdivide, sell or convey title to any land contained within a university campus or to subdivide, sell or convey title to any portion of any parcel of land containing in excess of twenty-five hundred contiguous acres unless such transaction is approved by the general assembly by passage of a concurrent resolution signed by the governor. The curators shall not sell, trade or otherwise convey or permit the severance of timber, minerals or other natural resources, if the timber, mineral or natural resource has a value of at least five hundred dollars, unless the curators have requested and solicited public bids by advertising for ten days in one newspaper in the county where the timber, mineral or other natural resource is located and by advertising for ten days in two daily newspapers in the state which have not less than fifty thousand daily circulation. The curators also shall send a notice of the proposed sale to the governor, state auditor, chief clerk of the house of representatives and secretary of the senate not later than the same day the advertisement for public bid is first scheduled to appear; to act as trustee in all cases in which there be a gift of property or property left by will to the university or for its benefit or for the benefit of students of the university; to condemn an appropriate real estate or other property, or any interest therein, for any public purpose within the scope of its organization, in the same manner and with like effect as is provided in chapter 523, RSMo, relating to the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank or railroad purposes; provided, that if the curators so elect, no assessment of damages or compensation under this law shall be payable and no execution shall issue before the expiration of sixty days after the adjournment of the next regular session of the legislature held after such assessment is made, but the same shall bear interest at the

rate of six percent per annum from its date until paid; and provided further, that the curators may, at any time, elect to abandon the proposed appropriation of property by an instrument of writing to that effect, to be filed with the clerk of the court and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages or compensation shall be void.

Approved June 15, 1977.

[C. C. S. B. 424]

EDUCATION AND LIBRARIES: Prevent loss of state aid for school districts.

AN ACT to prevent the loss of state aid for school districts operating for less than the statutory minimum: number of school days, with an emergency clause and an expiration date.

SECTION

1. School district not required to make up days lost by inclement weather—when.

SECTION

- A. Emergency clause.
- B. Expiration date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. School district not required to make up days lost by inclement weather—when.—The provisions of sections 163.021 and 171.031, RSMo, or any other state law to the contrary notwithstanding, no school district shall be required to make up more than eight (8) days of school lost or cancelled due to inclement weather in the 1976-1977 school year.

Section A. Emergency clause.—Because of the large number of days lost by schools this winter due to the unusually severe winter and because of the necessity for students and teachers in affected schools to begin summer school at times before the school year would end if the district was forced to make up the lost days, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Section B. Expiration date.—This act shall expire July 1, 1977.

Approved March 30, 1977.

[H. B. 278]

PUBLIC HEALTH AND WELFARE: Emergency services.

AN ACT to amend chapter 190, RSMo, relating to emergency services by adding one new section relating to the filling of vacancies on the board of directors of ambulance districts.

SECTION

1. Amending clause.

SECTION

- 190.052. Board member must live in his district—vacancies how filled.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Amending clause.—Chapter 190, RSMo, is amended by adding one new section, to be known as section 190.052, to read as follows:

190.052. Board member must live in his district—vacancies how filled.—Any member of the board of directors who moves his residence from the district from which he was elected, shall be disqualified as a member of the board. If one or two

vacancies occur in the membership of the board, the remaining members, before transacting any official business, shall appoint one or two qualified persons, as provided in section 190.050, to fill the vacancies until the next annual election of the members of the board. If the board is unable to agree in filling a vacancy or if there are more than two vacancies at any one time, the county court, upon notice from the secretary of the board of the vacancies, shall within ten days fill them by appointment of qualified persons, as provided in section 190.050, and shall notify the persons in writing of their appointment. The persons appointed shall serve for the unexpired term.

Approved June 8, 1977.

[H. B. 377]

PUBLIC HEALTH AND WELFARE: Removal of certain dead bodies.

AN ACT to repeal sections 193.280 and 193.380 RSMo 1969, relating to the removal of certain dead bodies, and to enact in lieu thereof, two new sections relating to the same subject.

SECTION

1. Enacting clause.
- 193.280. Permit for removal, burial or other disposition.

SECTION

- 193.380. Penalties.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 193.280, and 193.380 RSMo 1969 are repealed and two new sections to be known as Sections 193.280 and 193.380 enacted in lieu thereof.

193.280. Permit for removal, burial or other disposition.—When a death or stillbirth occurs or a dead body is found the body shall not be disposed of until a permit has been issued by the local registrar.

193.380. Penalties.—1. Any person who willfully makes or alters any certificate or certified copy thereof provided for in this chapter, except in accordance with the provisions of this chapter, shall be fined not more than one thousand dollars or confined in the county jail for not longer than six months, or both fined and confined.

2. Any person who knowingly accepts for interment or other disposition a dead body without an accompanying permit issued in accordance with the provisions of this chapter, shall be fined not more than five hundred dollars.

3. Except where a different penalty is provided in this section, any person who violates any of the provisions of this chapter or neglects or refuses to perform any of the duties imposed upon him by this chapter, shall be fined not more than one hundred dollars.

4. Any person who with malicious intent gives false information to the division of health in an attempt to file, obtain or change a vital record shall be fined not more than one thousand dollars or confined in the county jail for not longer than six months, or both fined and confined.

Approved August 11, 1977.

[S. B. 262]

PUBLIC HEALTH AND WELFARE: Sanitation of food establishments.

AN ACT to repeal Sections 196.200, 196.205, 196.215, 196.225, 196.255, 196.260, 196.270, 196.275, 196.280, 196.285, 196.290, 196.295, 196.300 and 196.305 RSMo 1969 relating to sanitation of food establishments and to insert in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
196.225. Employees with communicable disease prohibited, where.

SECTION

196.270. Food manufacturers or distributors may register.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 196.200, 196.205, 196.215, 196.225, 196.255, 196.260, 196.270, 196.275, 196.280, 196.285, 196.290, 196.295, 196.300, and 196.305 RSMo 1969 are repealed and two new sections enacted in lieu thereof to be known as Sections 196.225 and 196.270 to read as follows:

196.225. Employees with communicable disease prohibited, where.—No employer shall require or permit a person nor shall a person work affected with any disease in a communicable form or while a carrier of such disease, to work in any building or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, and transportation of food in any capacity which brings the person into contact with the food.

196.270. Food manufacturers or distributors may register.—All establishments engaged in the manufacture of food or distribution of foods to wholesale accounts may register with the division of health as a food manufacturer or food distributor.

Approved July 27, 1977.

[S. S. B. 135]

PUBLIC HEALTH AND WELFARE: Division of Health to inspect licensed nursing, convalescent and boarding homes.

AN ACT to require the division of health to inspect licensed nursing, convalescent and boarding homes a certain number of times per year.

SECTION

1. Amending clause.

SECTION

2. Division to make unannounced inspections of licensed homes, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Amending clause.—Chapter 198, RSMo, is amended by adding one new section, to be known as section 2, to read as follows:

Section 2. Division to make unannounced inspections of licensed homes, when.—The division of health shall make, or cause to be made, not less than two inspections per year, at least one of which shall be unannounced to the licensee, of all homes conducted by a licensee under sections 198.011 to 198.170 and sections 198.400 to 198.440, RSMo, to determine whether or not any provision of these sections has been violated.

Approved July 12, 1977.

[S. C. S. B. 458]

PUBLIC HEALTH AND WELFARE: State Cancer Hospital.

AN ACT to repeal section 200.060, RSMo 1969, relating to the payment of compensation to the hospital staff of the state cancer hospital.

SECTION

1. Repealing clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Repealing clause.—Section 200.060, RSMo 1969, is repealed.

Approved July 19, 1977.

[H. C. S. H. B. 492]

PUBLIC HEALTH AND WELFARE: Control of storm water.

AN ACT relating to the administration of funds for control of storm water in certain first class counties and certain charter cities, with an emergency clause.

SECTION

1. Control of storm water in St. Louis County authorized, when.

SECTION

- A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Control of storm water in St. Louis County authorized, when.—

The general assembly may appropriate funds to the clean water commission of the department of natural resources for the control of storm water in any county of the first class with a charter form of government not containing any part of a city having a population in excess of four hundred fifty thousand inhabitants or any charter city not within a county, and the commission shall administer and expend such funds in accordance with the terms of the appropriation.

Section A. Emergency clause.—Because immediate action is necessary in order to obtain cooperation of the federal government in the financing, construction and operation of projects to avoid pollution and damages resulting from heavy rains, this act is deemed necessary for the immediate preservation of the public health and welfare and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved June 15, 1977.

[H. B. 378]

PUBLIC HEALTH AND WELFARE: Trustees of county hospitals to employ special legal counsel.

AN ACT relating to the discretionary power of the trustees of county hospitals to employ special legal counsel to protect the interests of the county hospital.

SECTION

1. Authority to employ counsel granted.

SECTION

2. Counsel, how paid.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Authority to employ counsel granted.—Notwithstanding the provisions of any of the sections of chapter 56 RSMo, the board of trustees of a county hospital organized and existing pursuant to the provisions of sections 205.160 through 205.378, RSMo, may employ and use legal counsel, other than the prosecuting or circuit attorney or the county counsellor, to represent such hospital when in the exercise of its sole discretion the board of trustees determines that such special counsel is necessary to properly protect the hospital's interests.

Section 2. Counsel, how paid.—Legal counsel so employed shall be paid out of the hospital fund in the manner provided in subsection 4 of section 205.190 RSMo.

Approved July 27, 1977.

[S. C. S. S. R. 359]

PUBLIC HEALTH AND WELFARE: Sheltered workshops and residence facilities.

AN ACT to repeal section 205.970, RSMo Supp. 1975, relating to sheltered workshops and residence facilities, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

205.970. Board of directors, how appointed, qualifications of, term—reimbursement of expenses—powers of board.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 205.970, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 205.970, to read as follows:

205.970. Board of directors, how appointed, qualifications of, term—reimbursement of expenses—powers of board.—1. When such a facility is established the county court or other governing body of the county or city not within a county shall appoint a board of directors consisting of nine members of whom two shall be related by blood or marriage within the third degree to a handicapped person as defined in section 205.968 RSMo, and four shall be public members. At least seven of the board members shall be residents of the county. Board members shall be appointed annually and may be reappointed to successive terms. The directors shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

2. The administrative control and management of the facility shall rest solely with the board of directors, and the board shall employ all necessary personnel, fix their compensation, and provide suitable quarters and equipment for the operation of the facility from funds made available for this purpose.

3. Notwithstanding any provision of law to the contrary, and irrespective of whether or not a county sheltered workshop or residence facility has been established, the board may contract with any not-for-profit corporation for such corporation to provide services relating in whole or in part to the services which the board itself may provide to handicapped persons as defined in this law and for such purpose may expend the tax funds or other funds.

4. The board shall elect a chairman, vice chairman, and such other officers as it deems necessary for its membership.

5. The board shall set rules for admission to the facility, and shall do all other things necessary to carry out the purposes of sections 205.968 to 205.972.

6. The board may contract with any not-for-profit corporation including any corporation which is incorporated for the purpose of implementing the provisions of sections 178.900 to 178.970, RSMo, for any common services, or for the common use of any property of either group.

7. The board may accept any gift of property or money for the use and benefit of the facility, and the board is authorized to sell or exchange any such property which it believes would be to the benefit of the facility so long as the proceeds are used exclusively for facility purposes.

Approved July 26, 1977.

[H. B. 578]

PUBLIC HEALTH AND WELFARE: Powers of the Division of Family Services in regard to foster care.

AN ACT to repeal sections 207.020, 210.292, 210.294, 210.296, and 210.298, RSMo 1969, relating to the powers of the division of family services in regard to foster care, and to enact in lieu thereof five new sections relating to the same subject, with an effective date.

SECTION

1. Enacting clause.
207.020. Powers of Division of Family Services.
210.292. State to reimburse certain cities and counties for cost of foster home care.

SECTION

- 210.294. Cost of foster home care, how computed.
210.296. Director of Family Services to budget for foster care costs.
210.298. Foster care standards, how developed—authority of division.
A. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 207.020, 210.292, 210.294, 210.296, and 210.298, RSMo 1969, are repealed and five new sections enacted in lieu thereof to be known as sections 207.020, 210.292, 210.294, 210.296, and 210.298, to read as follows:

207.020. Powers of Division of Family Services.—1. In addition to the powers, duties and functions vested in the division of family services by other provisions of this chapter or by other laws of this state, the division of family services shall have the power:

- (1) To sue and be sued;
- (2) To make contracts and carry out the duties imposed upon it by this or any other law;
- (3) To administer, disburse, dispose of and account for funds, commodities, equipment, supplies or services, and any kind of property given, granted, loaned, advanced to or appropriated by the state of Missouri for any of the purposes herein;
- (4) To administer oaths, issue subpoenas for witnesses, examine such witnesses under oath, and make and keep a record of same;
- (5) To adopt, amend and repeal rules and regulations necessary or desirable to carry out the provisions of this chapter and which are not inconsistent with the constitution or laws of this state. Any rule or regulation issued pursuant to this section after the effective date of this act shall expire two years after promulgation thereof unless, prior to such date, both houses of the general assembly, by concurrent resolution approved by the governor, shall approve such rule or regulation. All authority to promulgate rules and regulations under this chapter shall terminate November 30, 1981.
- (6) To cooperate with the United States government in matters of mutual concern pertaining to any duties wherein the division of family services is acting as a state agency, including the adoption of such methods of administration as are found by the United States government to be necessary for the efficient operation of state plans hereunder;
- (7) To make such reports in such form and containing such information as the United States government may, from time to time, require, and comply with such provisions as the United States government may, from time to time, find necessary to assure the correctness and verification of such reports;
- (8) To establish, extend and strengthen child welfare services for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent;
- (9) To expend child welfare service funds for payment of part of the cost of district, county or other local child welfare services;
- (10) To administer state child welfare activities and develop state services for the encouragement and assistance of adequate methods of community child welfare organizations;
- (11) To appoint, when and if it may deem necessary, advisory committees to

provide professional or technical consultation in respect to welfare problems and welfare administration. The members of such advisory committees shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties. The number of members of each such advisory committee shall be determined by the division of family services, and such advisory committees shall consult with and advise the division of family services in respect to problems and policies incident to the administration of the particular function germane to their respective field of competence;

(12) To initiate or cooperate with other agencies in developing measures for the prevention of dependency and the rehabilitation of needy persons;

(13) To collect statistics, make special fact finding studies and publish reports in reference to public welfare;

(14) To establish or cooperate in research or demonstration projects relative to the welfare program, such as those relating to the prevention and reduction of dependency and economic distress, or which will aid in effecting coordination of planning between private and public welfare agencies, or which will help improve the administration and effectiveness of programs carried on or assisted under the federal Social Security Act and the programs related thereto;

(15) To provide appropriate public welfare services to promote, safeguard and protect the social well-being and general welfare of children and to help maintain and strengthen family life, and to provide such public welfare services to aid needy persons who can be so helped to become self-supporting or capable of self-care;

(16) Upon request, to cooperate with the juvenile court and furnish social studies and reports to the court with respect to children as to whom adoption or neglect petitions have been filed;

(17) To accept for social services and care homeless, dependent or neglected children in all counties where legal custody is vested in the division of family services by the juvenile court; provided that prior to legal custody being vested in the division of family services, the division of family services shall notify the juvenile court that it has adequate facilities and appropriated funds available to care for said child or children, and the cost of foster care shall be paid by the division of family services the "care" shall include room, board, clothing, medical care, dental care, social services and incidentals;

(18) To accept gifts and grants of any property, real or personal, and to sell said property and expend such gifts or grants not inconsistent with the administration of this chapter and within the limitations imposed by the donor thereof;

(19) To make periodic surveys of cost of living factors in relation to the needs of recipients of public assistance and establish standards or budgetary guides for determining minimum costs of meeting such requirements, and amend such standards from time to time as circumstances may require.

2. All powers and duties of the division of family services shall so far as applicable apply to the administration of any other law or state law wherein duties are imposed upon the division of family services acting as a state agency.

210.292. State to reimburse certain cities and counties for cost of foster home care.—1. Any city not within a county, which has a population of six hundred thousand inhabitants or over, and any county of the first class authorized by law to provide, and which does provide, foster care to homeless, dependent or neglected children shall receive from the state one hundred percent of the net cost thereof.

2. The "foster care" provided for by sections 210.292 to 210.298 shall be care of homeless, dependent or neglected children when the foster facilities are selected by the local agency or division of family services and the placement of children therein is lawfully authorized; the "care" shall include room, board, clothing, medical care, dental care, social services and incidentals.

210.294. Cost of foster home care, how computed.—The net cost of the foster care as described herein shall be computed quarterly by each city described in section

210.292 by adding the payments made by each local agency in providing such care. The total amount of such expenditures after review and approval by the fiscal officer of the political subdivision furnishing the foster care shall be certified by the managing officer, supervisor or director of the local agency to the state division of family services. The state director of family services shall thereupon after examination and approval authorize payment to the political subdivision or agency thereof furnishing the foster care during the quarter covered by the certification, and the state treasurer shall make payment of the amount approved from funds appropriated for such purpose. In the event that funds appropriated and allocated in any quarter are insufficient to pay the amounts approved in any quarter, all claims shall be reimbursed on a pro rata basis.

210.296. Director of Family Services to budget for foster care costs.—The director of family services shall annually estimate the cost of foster care to be supported, and shall submit such estimate as the budget request for the support of foster care in each city described in section 210.292.

210.298. Foster care standards, how developed—authority of division.—The division of family services shall cooperate with local agencies in developing and maintaining proper standards of foster care under sections 210.292 to 210.298 and no reimbursement claim shall be paid to any political subdivision or local agency thereof for foster care unless the program for such care shall be approved by the division of family services as to the standard of care. The division of family services shall have the authority to inspect the books and records of any local agency to determine the accuracy and authenticity of any reimbursement claim submitted. Any quarterly reimbursement claim may be reduced or increased by the director of family services to adjust any overpayments or underpayments when he determines that a prior payment was greater or less than the amount which should have been paid by the state under sections 210.292 to 210.298.

Section A. Effective date.—The effective date of this act shall be January 1, 1978.

Approved June 14, 1977.

[C. C. S. H. B. 601]

PUBLIC HEALTH AND WELFARE: Support of minor children.

AN ACT to repeal sections 208.045 and 559.353 RSMo 1969, and sections 208.040, 208.150, and 208.170 RSMo Supp. 1975, relating to the support of certain minor children and to enact in lieu thereof seven new sections relating to the same subject with an emergency clause containing a specified time of effect.

SECTION

1. Enacting clause.
- 208.045. Family Services may use Federal Parent Locator Service—division may release information, when.
- 208.040. Aid to dependent children—eligibility for—duty of prosecuting attorney—action by state against persons failing to support, when authorized.
- 208.150. Maximum monthly benefits.

SECTION

- 208.170. Duties of State Treasurer—special funds created.
- 559.353. Nonsupport of wife or child.
2. Child support enforcement unit established—duties of prosecuting attorneys.
3. Stepparent required to support stepchild—stepparent may recover from natural or adoptive parent, when.
- A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 208.045 and 559.353 RSMo 1969, and sections 208.040, 208.150 and 208.170 RSMo Supp. 1975 are repealed and seven new

sections enacted in lieu thereof, to be known as sections 208.045, 208.040, 208.150, 208.170, 559.353, section 2 and section 3.

208.045. Family Services may use Federal Parent Locator Service—division may release information, when.—To assist in locating parents who have deserted their children or other persons liable for support of dependents, the division of family services may request and receive information from the federal Parent Locator Service, from available records in other states, territories and the District of Columbia and from the records of all departments, boards, bureaus, or other agencies of this state and the departments, boards, bureaus, and other agencies of this state shall provide such information as is necessary for this purpose, notwithstanding any other provision of law making such information confidential. Only information directly bearing on the whereabouts, identity, most recent address and place of employment of a person owing or asserted to be owing an obligation of support shall be requested and used or transmitted by the division of family services pursuant to the authority conferred by this section. The division of family services may make such information available only to authorized persons in accordance with applicable state law and federal law who are seeking to locate parents who have deserted their children and other persons liable for support of dependents for the purpose of enforcing their liability for support.

208.040. Aid to dependent children—eligibility for—duty of prosecuting attorney—action by state against persons failing to support, when authorized.—

1. Aid to families with dependent children shall be granted on behalf of a dependent child or children and may be granted to the parents or other needy eligible relative caring for a dependent child or children who:

(1) Is under the age of eighteen years, or under the age of twenty-one years and a student regularly attending a school, college or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment;

(2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as his or their own home, and financial aid for such child is necessary to save him from neglect and to secure for him proper care in such home. Physical or mental incapacity must be certified to by competent medical or other appropriate authority, designated by the division of family services, and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive aid to families with dependent children benefits. Benefits may be granted and continued for this reason only while it is the judgement of the division of family services that a physical or mental defect, illness or disability exists which prevents the parent from performing any gainful work;

(3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments, or aid or public relief as an unemployable person;

(4) Is a resident of the state of Missouri.

2. The division of family services shall require as additional conditions of eligibility for benefits that each applicant for or recipient of aid;

(1) shall furnish to the division his social security number or numbers, if he has more than one such number;

(2) shall assign to the division of family services in behalf of the state any rights to support from any other person such applicant may have in his own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid, and which have accrued at the time such assignment is executed; and

(3) shall cooperate with the division unless the division determines in accordance with federally prescribed standards that such cooperation is contrary to the best

interests of the child on whose behalf aid is claimed or to the caretaker of such child, in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due such applicant or such child.

3. If the relative with whom a child is living is found to be ineligible because of refusal to cooperate as required in subsection 2 in establishing the paternity of a child born out of wedlock or in assigning rights to support or in obtaining any other payments or property due such an applicant or such child, any aid for which such child is eligible will be paid in the manner provided in section 208.180 (2) without regard to subdivisions (1) and (2).

4. The support rights assigned to the division in behalf of the state shall constitute an obligation owed to the state by the person responsible for providing such support and the obligation shall be collectible under all legal processes. Any action to collect the obligation using the Internal Revenue Service under 26 United States Code 6305 shall be initiated by the division only with the express approval of the governor on a case by case basis.

5. When a court has ordered support payments to a person who has made an assignment of support rights to the division in behalf of the state, the division shall notify the court of same. Upon such notice the court shall order all support payments to be made to the clerk of the court as trustee for the division as assignee of the support rights and the clerk shall forward forthwith all such payments to the division identified in the manner specified by the division for correct identification in the state treasury. The clerk shall keep an accurate record of such orders and such payments. Notwithstanding subsection 2 of section 452.345, RSMo, to the contrary, there shall be no charge imposed by the clerk upon parties who have assigned support rights to the division in behalf of the state. Notification to the court by the division of the assignment of support rights shall in and of itself authorize the court to make the clerk such trustee, notwithstanding any existing court order, statute or other law to the contrary, and the court need not hold a hearing in the matter. The amount of the obligation owed to the state shall be the amount specified in a court order which covers the assigned rights. Any legal action necessary to enforce such obligations owed to the state shall be brought by prosecuting attorneys upon being furnished notice by the division of such obligation. If the amount of such obligation owed to the state under the assignment of support rights has not been determined because no court order exists, the prosecuting attorney upon notice by the division shall both obtain such order and enforce it. When the recipient is no longer eligible for aid the assignment shall terminate, unless the recipient and the division agree otherwise, except for those unpaid support obligations still owing to the state under the assignment at the time of the discontinuance of aid. Such unpaid obligations shall be collected by the prosecuting attorney up to the amount of unreimbursed aid paid by the division prior to or after execution of the assignment of support rights. Moneys collected under this subsection shall be paid to the division for deposit in the child support enforcement fund in the state treasury.

208.150. Maximum monthly benefits.—1. The maximum amount of monthly public assistance money payment benefits payable to or on behalf of a needy person shall not exceed the following:

(1) Aid to a dependent child, or children, and needy eligible relatives caring for a dependent child, or children, in an amount to be computed as follows:

(a) The division of family services from time to time shall determine by regulation the average need for each such eligible person, and shall pay, on a uniform basis, the highest percent of such need as shall be possible within the limits of funds appropriated for that purpose, less available income, but not to exceed the following amounts:

For one person:	.....	\$190.00
For two persons:	.....	\$275.00

For three persons:	\$343.00
For four persons:	\$402.00
For five persons:	\$455.00
For each additional person:	\$50.00

(b) Available income means the total income, before taxes or other deductions, of the caretaker, eligible child and each other person residing within the same household who has a legal duty to support any such eligible child or children, plus or minus such credits or deductions as may be prescribed by the division of family services by regulations for the sole purpose of complying with federal laws or regulations relating to this state's eligibility to receive federal funds for ADC payments, and such credits or deductions as may otherwise be prescribed by law.

(c) The available income shall be subtracted from the total amount which otherwise would be paid.

(2) Aid or public relief to an unemployable person not to exceed seventy dollars;

2. Cash assistance payments to any aid to dependent children recipient may be reduced per month equal to the recipient's cost of food stamp coupons.

208.170. Duties of State Treasurer—special funds created.—1. The state treasurer shall be treasurer and custodian of all funds and moneys of the division of family services and shall issue checks upon such funds or moneys in accordance with such rules and regulations as the division of family services shall prescribe.

2. There is hereby established as a special fund, separate and apart from the public moneys of this state, the following:

- (1) Supplemental payment fund;
- (2) Aid to families with dependent children fund;
- (3) Relief fund;
- (4) Child welfare service fund;
- (5) Administration fund;
- (6) Title XIX fund;
- (7) Child support enforcement fund.

3. The supplemental payment fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for the payment of supplemental payments. All checks payable to recipients of supplemental payments shall be drawn on and paid from this fund.

4. The aid to families with dependent children fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for the payment of aid to families with dependent children. All checks payable for aid to families with dependent children shall be drawn on and paid from this fund.

5. The relief fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for aid or relief in cases of public calamity. All expenditures for aid or relief in cases of public calamity shall be paid from this fund.

6. The child welfare service fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for child welfare services, and this fund or any portion of it may be transferred to the administration fund.

7. The administration fund shall consist of moneys appropriated by the state, and moneys received from the federal government to pay the administrative costs of the division of family services in administering the provisions of the law. All checks payable for employees and personal services of representatives of the division of family services shall be drawn on and paid from the administration fund.

8. The Title XIX fund shall consist of moneys appropriated by the state and such moneys as may be received from the federal government or other sources for the payment of medical assistance rendered to eligible recipients pursuant to the Title XIX

state plan, and all checks payable on behalf of recipients shall be drawn on and paid from this fund.

9. The child support enforcement fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources including moneys representing assigned support obligations collected on behalf of recipients of public assistance and non-recipients of public assistance, any fees collected by the division and any incentive payments received from other states. From this fund shall be paid any moneys collected which represent assigned support obligations required by state law or federal law to be returned to the obligee on whose behalf the obligation was collected, incentive payments to political subdivisions of this state or to other states, any reimbursement to the federal government for its respective share of payments for aid to families with dependent children and administrative costs incurred by the division in the administration of the child support enforcement program including purchase of child support enforcement services pursuant to the terms of cooperative agreements entered into with political subdivisions of this state, appropriate courts, law enforcement officials or others. Nothing herein shall prohibit the appropriation of federal funds to defer all administrative costs incurred by the division of family services pursuant to this act in the event that federal financial participation is extended to include all costs.

559.353. Nonsupport of wife or child.—Any man who, without good cause, fails, neglects or refuses to provide adequate food, clothing, lodging, or medical or surgical attention for his wife; or any man or woman who, without good cause, abandons or deserts or, without good cause, fails, neglects or refuses to provide adequate food, clothing, lodging, or medical or surgical attention for his child born in or out of wedlock, under the age of sixteen years, or if any person, not the father or mother, having the legal care or custody of such minor child, or if any stepparent having a lawful duty to support a child, without good cause, fails, refuses or neglects to provide adequate food, clothing, lodging or medical or surgical attention for the child, whether or not in either such case the child by reason of such failure, neglect or refusal actually suffers physical or material want or destitution, is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

Section 2. Child support enforcement unit established—duties of prosecuting attorneys.—1. There is established within the division of family services a single and separate organizational unit to administer the state plan for child support enforcement; provided, however, that the duty under the state plan to litigate or prosecute support actions shall be performed by the appropriate prosecuting attorney and provided that the division of family services shall fully utilize existing IV-A division staff to perform child support enforcement duties where so approved by the Department of Health, Education and Welfare and where consistent with federal requirements as specified in PL 93-647 and 45 CRF, Section 303.20. For the purpose of utilizing the resources of counties in the enforcement and collection of support obligations under the state plan, the director shall enter into cooperative agreements with county governing bodies, circuit courts and circuit clerks and prosecuting attorneys. The contracts to be executed shall provide, as a minimum, for the following:

a. For the governing body of the city or county to hire such additional stenographic secretarial and administrative assistants as may be required to administer this act within that jurisdiction; and

b. For the county or city upon recommendation of the prosecuting attorney to hire such additional assistant prosecuting attorneys as may be required to administer this act within that jurisdiction;

c. For the city or county to furnish office space and other administrative requirements for the proper administration of this act within that jurisdiction; and

d. For the reimbursement by the state from moneys received from the federal government of costs associated with enforcement of this act by the county or city at the

applicable rate to be paid at least monthly and when properly authenticated vouchers are submitted by the county or city, such payments to be made not later than ten days from the date of submission of the vouchers.

2. Limitations set out in chapter 56 RSMo with regard to salaries and the number of assistant prosecuting attorneys and with regard to the stenographic or administrative personnel shall not apply and the county or city governing body shall appropriate such funds as are required to compensate such additional staff for implementing the provisions of this act.

3. With the approval of the county or city governing body and for the purpose of investigating child support cases, the prosecuting attorney or circuit attorney may employ such investigators as may be required to properly administer the provisions of this act.

4. The director of the division shall render child support enforcement services to persons who are not recipients of public assistance as well as to such recipients. An application shall be filed with the division for services, and an application fee may be required by the division. An additional fee for expenses incurred in excess of the application fee may be required by the division in providing services; provided, however, that any additional fee shall not exceed ten percent of any support money recovered and provided that the amount of the fee shall be agreed to by the applicant in writing. Expenses incurred by a county under a cooperative agreement with the division in the prosecuting attorney's office or in the circuit clerk's office in enforcing or collecting a child support obligation in any civil litigation or other noncriminal proceeding for a person who is not a recipient of public assistance, but who has made an application with the division for child support enforcement services shall be construed as expenses incurred by the division. The application fee and any additional fee may be deducted from the support money recovered. Fees collected pursuant to this subsection shall be deposited in the child support enforcement fund in the state treasury.

5. Each prosecuting attorney in this state, as an official duty of such office, shall litigate or prosecute any action necessary to secure support for any person referred to such office by the division of family services, including, but not limited to reciprocal actions under chapter 454, RSMo, actions to enforce obligations owed to the state under an assignment of support rights and actions to establish the paternity of a child for whom support is sought.

6. In all cases where a prosecuting attorney is required under the provisions of section 543.020 or 543.050, RSMo, to file an information or is required under the provisions of Section 2, subsection 5 of this act to litigate or prosecute an action necessary to secure child support, and the information is not filed or the action commenced within ten days of the receipt of the complaint alleging the offense or the receipt of the referral from the division of family services, the magistrate judge of the county or, where the magistrate court of a county or city not within a county is divided into divisions, the chief magistrate shall meet with the prosecuting attorney regarding his intention in the case. At the meeting the prosecuting attorney shall provide the magistrate with a statement, under oath, specifying the prosecutor's intentions regarding the disposition of the case in question. If the prosecuting attorney states that he does not intend to file the information or to litigate or prosecute the child support action, or if the prosecuting attorney states that he does intend to file the information or to litigate or prosecute the action under section 543.020 and 543.050, RSMo, but fails to do so within sixty days following the meeting, the magistrate shall forward to the governor a statement of his findings as to the facts regarding the intention of the prosecuting attorney and shall recommend to the governor the appointment of a special prosecuting attorney to discharge the duties of the prosecuting attorney in the particular case involved. Within ten days of the receipt of the statement of findings and the recommendations from the magistrate, the governor shall appoint a special prosecuting attorney for the sole purpose of discharging the duties of the prosecuting

attorney in the particular case. The appointment of a special prosecuting attorney under this subsection shall terminate upon the completion of the particular case for which he was appointed including post trial motions and appeals.

7. Each special prosecuting attorney appointed by the governor as provided in section 2, subsection 6 of this act shall possess the same powers as the prosecuting attorney in the particular case involved and shall receive as compensation for his services, an amount of twenty dollars per hour out of court and thirty dollars per hour in court for each hour actually spent in the prosecution or litigation of the particular case. Such compensation shall be paid by the county and deducted from the amount due prosecuting attorneys under the provisions of Section 2, subsection 8 of this act.

8. For the performance of the additional duties imposed by this section, each prosecuting attorney in counties of the third and fourth class shall receive additional annual compensation of four thousand five hundred dollars; each prosecuting attorney in counties of the second class shall receive additional annual compensation of two thousand dollars; each prosecuting attorney in counties of the first class without a charter form of government shall receive additional annual compensation of one thousand dollars; each circuit attorney in cities not contained within a county shall receive additional annual compensation of seven thousand five hundred dollars. The additional annual compensation for prosecuting attorneys and circuit attorneys provided for in this section shall be paid with county funds or city funds, provided, however, that the state shall reimburse the counties or cities for funds expended for the additional annual compensation to the extent that incentive payments made to a county or city by the division of family services pursuant to the terms of cooperative agreements are insufficient to pay for the additional annual compensation. The governing body in each county or city shall submit a monthly billing to the office of administration listing the amount of incentive payment moneys received and listing the amount of money owing to the county or city as reimbursement for the additional annual compensation for the prosecuting attorney or circuit attorney. The office of administration shall pay such sum monthly from the amount of money appropriated specifically for such purpose by the General Assembly. In the absence of a cooperative agreement between the county or city and the division of family services, the additional annual compensation provided for in this section shall be paid with county or city funds entirely and not with state funds.

9. Each county shall cooperate with the division of family services in the enforcement of support obligations under the state plan by appropriating a sufficient sum of money for the offices of the prosecuting attorney and the circuit clerk to enable those offices to perform any duty imposed under this law or any other law with respect to the enforcement of support obligations or to the transmittal of support moneys to the division for deposit in the child support enforcement fund in the state treasury.

10. The term "prosecuting attorney" as used in this section and section 208.040, RSMo, with reference to the city of St. Louis, means both the circuit attorney and the prosecuting attorney for that city. Nothing in this section shall be construed to relieve either office of any duty presently imposed upon it; provided, however, that the division of family services shall refer all persons seeking support enforcement services to the office of the circuit attorney. The circuit attorney shall litigate or prosecute any action necessary to secure support for such persons as is within his authority, and he shall refer, when necessary, persons to the office of the prosecuting attorney for an appropriate action within the authority of the office of the prosecuting attorney.

11. For the performance of the additional duties required by this Act, the clerks of the courts of common pleas and the circuit clerks or circuit clerks - ex officio recorder of deeds in all counties except counties of the first class shall receive additional annual compensation as follows: three thousand five hundred dollars in counties of the second and third class, and two thousand dollars in counties of the fourth class. Such additional compensation shall be payable in the same manner, either monthly or semimonthly as the case may be, and from the same source as other salary is paid.

Section 3. Stepparent required to support stepchild—stepparent may recover from natural or adoptive parent, when.—1. A stepparent shall support his or her stepchild to the same extent that a natural or adoptive parent is required to support his or her child so long as the stepchild is living in the same home as the stepparent. However, nothing in this section shall be construed as abrogating or in any way diminishing the duty a parent otherwise would have to provide child support, and no court shall consider the income of a stepparent, or the amount actually provided for a stepchild by a stepparent, in determining the amount of child support to be paid by a natural or adoptive parent.

2. A natural or adoptive parent shall be liable to a stepparent for the sum of money expended by a stepparent for the support of a stepchild when that sum of money was expended because of the neglect or refusal of the natural or adoptive parent to pay any part of or all of the court-ordered amount of support.

3. This section shall not abrogate or diminish the common law right which a stepparent may possess to recover from a natural or adoptive parent the expense of providing necessities for a stepchild in the absence of a court order for child support determining the amount of support to be paid by a natural or adoptive parent.

4. This section shall not be construed as granting to a stepparent any right to the care and custody of a stepchild or as granting a stepchild any right to inherit from a stepparent under the general statutory laws governing descent and distribution.

5. This section shall apply without regard to whether public assistance is being provided on behalf of the stepchild or stepchildren in question.

6. This section shall be construed to apply only to support obligations incurred on or after the effective date of this section, notwithstanding that a marriage giving rise to the support obligation occurred prior to the effective date of this section.

7. With respect to section 208.040, RSMo, this section shall not be construed to render a child ineligible for public assistance on the basis of the child's not being deprived of parental support, but it shall be construed to permit the inclusion of the income of a stepparent in the determination of eligibility for benefits and in the determination of the amount of the assistance payment.

8. In the determination of eligibility for benefits and in the determination of the amount of the assistance payment under subsection 7 of this section, only fifty percent of the stepparent's net income, as that term is used by the division of family services in the administration of the aid to families with dependent children program, minus any amounts of money actually paid by a stepparent for the support of a natural child pursuant to court order, shall be considered by the division.

Section A. Emergency clause.—Because immediate action is necessary in order to obtain the cooperation of the federal government in the financing of the aid to dependent children program, the provisions of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and this act is hereby declared to be an emergency act within the meaning of the constitution and shall be in full force and effect upon passage and approval or July 1, 1977, whichever later occurs.

Approved June 8, 1977.

[S. B. 334]

PUBLIC HEALTH AND WELFARE: Medical assistance for eligible needy persons.

AN ACT to repeal section 208.152, RSMo Supp. 1975, relating to benefit payments for medical assistance for eligible needy persons, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SECTION

1. Enacting clause.
- 208.152. Medical services for which payment will be made—reasonable cost, determination of—federal standards to be met.

SECTION

2. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 208.152, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 208.152, to read as follows:

208.152. Medical services for which payment will be made—reasonable cost, determination of—federal standards to be met.—Benefit payments for medical assistance may be made on behalf of those eligible needy persons who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of family services unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, including the first three pints of whole blood unless available to the patient from other sources, except to persons in an institution for mental diseases or tuberculosis who are under the age of sixty-five years; provided, that in the case of eligible persons who are provided benefits under Title XVIII A, Public Law 89-97, 1965 amendments to the Federal Social Security Act (42 U.S.C.A. § 301 et seq.), as amended, payment for the first ninety days during any spell of illness shall not exceed the cost of any deductibles imposed by such title, plus coinsurance after the first sixty days;

(2) Outpatient hospital services, including diagnostic services;

(3) Laboratory and X-ray services;

(4) Nursing home services for recipients eighteen years of age or over, except to persons in a skilled nursing facility who are under the age of twenty-one years and except to persons in an institution for mental diseases or tuberculosis who are under the age of sixty-five years, when residing in a hospital or nursing home licensed by the division of health or appropriate licensing authority of other states or government owned and operated institutions which are determined by the division of health to conform to standards equivalent to licensing requirements and Title XIX, Public Law 92-603, 1972 amendments to the Federal Social Security Act (42 U.S.C.A.), as amended, providing for skilled nursing facility standards and intermediate care facility standards; provided that total payment to a recipient in a practical nursing home shall not exceed two hundred dollars monthly, and total payment to a recipient in a domiciliary nursing home shall not exceed one hundred fifty dollars monthly; except that recipients who are mentally retarded or suffering from a related condition as specified by federal regulations and who are in an intermediate care facility may be of any age;

(5) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(6) Dental services;

(7) Drugs and medicines when prescribed by a licensed physician or dentist;

(8) Emergency ambulance services;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby;

(10) Home health care services for any individual who is eligible under this law to receive professional nursing home care;

(11) Optometric services as defined in section 336.010, RSMo;

(12) Family planning services as defined by federal rules and regulations;

provided, however, that such family planning services shall not include abortions unless such abortions are medically indicated;

(13) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids and wheel chairs.

Section 2. Effective date.—This act shall become effective January 1, 1978.

Approved July 12, 1977.

[H. C. S. S. S. B. 12]

PUBLIC HEALTH AND WELFARE: Certain rights of blind and visually handicapped persons.

AN ACT to repeal sections 209.150, 209.160, 304.080, 304.090 and 304.100, RSMo 1969, relating to certain rights of blind and visually handicapped persons, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SECTION

- A. Enacting clause.
 209.150. Rights of visually handicapped—guide dogs, no extra charge for, exception.
 209.160. Discrimination in use of public facilities toward visually handicapped a misdemeanor.
 209.170. October fifteenth to be White Cane Safety Day, Governor to note.
 209.180. State and its political subdivisions and tax money recipients to employ visually handicapped on same terms as other employees, exception.

SECTION

- 209.190. Housing accommodations defined—discrimination against visually handicapped in housing prohibited—guide dogs to have full access to all housing accommodations—liability for damage by dog.
 304.080. Visually handicapped with white cane or guide dog, driver to take all necessary precautions, cane or dog not required to enforce rights, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 209.150, 209.160, 304.080, 304.090 and 304.100, RSMo 1969 are repealed and six new sections enacted in lieu thereof to be known as sections 209.150, 209.160, 209.170, 209.180, 209.190 and 304.080 to read as follows:

209.150. Rights of visually handicapped—guide dogs, no extra charge for, exception.—1. Every blind or visually handicapped person shall have the same rights afforded to a fully sighted person to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

2. Every blind or visually handicapped person is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge for the guide dog; provided that he shall be liable for any damage done to the premises or facilities by such dog.

209.160. Discrimination in use of public facilities toward visually handicapped a misdemeanor.—Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 209.150 or

otherwise interferes with the rights of a totally or partially blind person under section 209.150 shall be guilty of a misdemeanor.

209.170. October fifteenth to be White Cane Safety Day, Governor to note.—Each year, the governor shall take suitable public notice of October fifteenth as "White Cane Safety Day".

209.180. State and its political subdivision and tax money recipients to employ visually handicapped on same terms as other employees, exception.—The blind and the visually handicapped shall be employed in the state service, the service of the political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

209.190. Housing accommodations defined—discrimination against visually handicapped in housing prohibited—guide dogs to have full access to all housing accommodations—liability for damage by dog.—1. Blind persons and visually handicapped persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

2. "Housing accommodations", as used in this section means any real property, or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations, included within subsection 1 of this section, or any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

3. Nothing in this section shall require any person renting, leasing, or providing for compensation real property to modify his property in any way or provide a higher degree of care for a blind or visually handicapped person than for a person who is not blind or visually handicapped.

4. Every totally or partially blind person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations provided for in this section, and he shall not be required to pay extra compensation for such guide dog but shall be liable for any damage done to the premises by such a guide dog.

304.080. Visually handicapped with white cane or guide dog, driver to take all necessary precautions, cane or dog not required to enforce rights, when.—The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian; provided that a totally or partially blind pedestrian not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed in section 209.150, shall have all of the rights and privileges conferred by law upon other persons.

Approved July 11, 1977.

[S. B. 121]

PUBLIC HEALTH AND WELFARE: Juvenile court personnel.

AN ACT to repeal sections 211.023, 211.381, 211.391, 211.392 and 211.393, RSMo Supp. 1975, relating to juvenile court personnel, and to enact in lieu thereof three new sections relating to the same subject, with effective date.

SECTION

1. Enacting clause.
- 211.023. Circuit court commissioner, how appointed, term, compensation (first class charter counties and St. Louis City).
- 211.381. Compensation of juvenile court personnel—expenses.

SECTION

- 211.393. State to pay one-half of salary of full-time juvenile officer—expenses of certain circuits prorated to counties.
- A. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 211.023, 211.381, 211.391, 211.392 and 211.393, RSMo Supp. 1975, are repealed and three new sections enacted in lieu thereof, to be known as sections 211.023, 211.381, and 211.393, to read as follows:

211.023. Circuit court commissioner, how appointed, term, compensation (first class charter counties and St. Louis City).—1. In each county of the first class having a charter form of government, a majority of the circuit court judges, en banc, may appoint one or two persons who shall have the same qualifications as a circuit judge to act as commissioners. The commissioners shall be appointed for a term of four years. The compensation of a commissioner shall be thirty-three thousand dollars per year, payable by such counties, and the commissioners shall devote full time to such duties.

2. In the city of St. Louis a majority of the circuit court judges, en banc, may appoint one person who shall have the same qualifications as a circuit judge to act as a commissioner. The commissioner shall be appointed for a term of four years. The compensation of a commissioner shall be thirty-three thousand dollars per year, payable by said city, and the commissioner shall devote full time to such duties, and shall receive no other compensation for such duties from any other source whatsoever.

211.381. Compensation of juvenile court personnel—expenses.—1. In each judicial circuit the following employees of the juvenile court shall receive as compensation annual salaries in the following amounts:

- (1) One juvenile officer, seventeen thousand five hundred dollars;
- (2) One chief deputy juvenile officer and the chief officer assigned to courts of domestic relations, fifteen thousand five hundred dollars;
- (3) Deputy juvenile officer, class 1, thirteen thousand five hundred dollars;
- (4) Deputy juvenile officer, class 2, twelve thousand dollars;
- (5) Deputy juvenile officer, class 3, ten thousand five hundred dollars;
- (6) Deputy juvenile officer, class 4, nine thousand dollars;

2. Actual expenses, including mileage allowance not to exceed that amount allowed state officers for each mile traveled on official business but exclusive of office expense, incurred by the employees while in the performance of their official duties shall be reimbursed to them out of county or city funds upon the approval of the judge of the juvenile court.

3. The compensation for employees of the juvenile court in Second, Third and Fourth class counties provided by this section is the total amount of compensation the employee shall receive for duties pertaining to the juvenile court and includes the compensation provided by any other provision of law.

211.393. State to pay one-half of salary of full-time juvenile officer—expenses of certain circuits prorated to counties.—1. The salaries and expenses of all juvenile court personnel in a circuit composed of a single county of the first or second class and in the city of St. Louis are payable monthly out of county or city funds, as the case may be, except that one-half of the salary of the juvenile officer of any such circuit in which he is engaged full time is payable monthly by the state of Missouri, but not to exceed the sum of eight thousand seven hundred fifty dollars annually. The payment by the state of Missouri shall be made to either the juvenile officer, or to the county or the city of St. Louis.

2. In circuits composed only of counties of the third and fourth class, and in

circuits containing two or more counties, one of which is a second class county, the salaries and expenses are payable out of the county funds and prorated among the several counties served upon a ratio determined by a comparison of the respective populations of the counties involved, except that one-half of the salary of the juvenile officer of any such circuit in which he is engaged full time is payable monthly by the state of Missouri, but not to exceed the sum of eight thousand seven hundred fifty dollars annually.

Section A. Effective date.—Effective date of this legislation will be January 1, 1978.

Approved July 7, 1977.

[S. B. 139]

CORRECTIONAL AND PENAL INSTITUTIONS: Appointment, duties, and salary of director of Division of Corrections.

AN ACT to repeal section 216.110, RSMo Supp. 1975, dealing with appointment, duties, and the salary of the director of the division of corrections and to enact in lieu thereof one new section dealing with the same subjects.

SECTION

1. Enacting clause.

SECTION

216.110. Director of Division of Corrections, qualifications, appointment, oath of office, compensation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 216.110, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof to be known as section 216.110, to read as follows:

216.110. Director of Division of Corrections, qualifications, appointment, oath of office, compensation.—1. The chief administrative officer of the division of corrections shall be the director of the division of corrections. The director shall be appointed by the director of the department of social services.

2. He shall be a person of recognized character and integrity, and have such education, training, proven executive ability and experience as fit him for the successful performance of his official duties. He shall have education, training and experience in penology and correctional institution operation and management. He shall be a citizen of the United States but need not be a resident of the state of Missouri at the time of his appointment.

3. Before entering upon the official duties of his office the director shall take an oath or affirmation to support the Constitution of the United States and the Consitution of the state of Missouri and to faithfully demean himself in his office; and shall enter into a good and sufficient corporate surety bond, payable to the state of Missouri, conditioned upon the faithful discharge and performance of official duties, said bond to be approved by the attorney general as to form, and by the governor as to its sufficiency. The premium on the bond shall be paid by the state.

4. The director shall devote his entire time to his official duties.

5. The compensation of the director of the division of corrections shall be set by the director of the department of social services within the limit of the appropriation.

Approved July 27, 1977.

[H. B. 185]

ROADS AND WATERWAYS: Certain sales by the Department of Highways.

AN ACT to repeal section 226.150, RSMo 1969, relating to certain sales by the department of highways, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

226.150. Commission directed to comply with acts of congress relating to road funds and road work—may sell unnecessary tools, commission employees not to purchase, exception.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 226.150, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 226.150, to read as follows:

226.150. Commission directed to comply with acts of congress relating to road funds and road work—may sell unnecessary tools, commission employees not to purchase, exception.—The commission is hereby directed to comply with the provisions of any act of congress providing for the distribution and expenditure of funds of the United States appropriated by congress for highway construction, and to comply with any of the rules or conditions made by the bureau of public roads of the Department of Agriculture, or other branch of the United States government, acting under the provisions of federal law in order to secure to the state of Missouri funds allotted to this state by the United States government for highway construction. The commission is authorized to pay the state's proportion of the cost of roads constructed with federal and state funds out of the state road fund. Any money due to the state of Missouri from the United States, under the provisions of such acts of congress, relating to highway construction, shall be received by the state treasury and deposited in a separate fund, and paid out by the state treasurer on requisitions drawn by an officer of the state highway commission on a warrant of the state auditor. Said funds being the funds of the federal government allotted to the state of Missouri, no appropriation of the general assembly for the expenditure of such funds shall be necessary. The commission is authorized to accept, receive and utilize any road machinery, trucks or supplies donated, loaned or sold to the state by the federal government, and to pay the necessary transportation and other expenses of securing the same. The commission may also sell any unnecessary or surplus tools or equipment and receive payment therefor and all money received on account of such sales, if any, shall be immediately paid into the state treasury to the credit of the state road fund; provided, however, that no such unnecessary or surplus tools or equipment shall be sold directly or indirectly by the commission to any employees of the highway department except when such sales are made at public sale open to the general public.

Approved June 8, 1977.

[S. B. 2]

LANDS, LEVEES, DRAINAGE AND PUBLIC WATER SUPPLY: Drainage district's plan of reclamation, levy of tax, adjustment of assessment of benefits to land.

AN ACT to repeal sections 242.230, 242.450 and 242.500 RSMo 1969, relating to a drainage district's plan of reclamation, the levy of a tax, and the adjustment of the assessment of benefits to land resulting from carrying out the plan for reclamation of a drainage district, and to enact in lieu thereof seven new sections relating to the same subjects; authorizing the levy of a tax and the issuance of bonds to replace, repair and reconstruct the drainage works and improvements of the district; authorizing the levy of a tax and the issuance of bonds pursuant to a readjustment of

the assessment of benefits resulting from carrying out a supplemental plan of reclamation of a drainage district; and authorizing the levy of a tax and the issuance of bonds to replace, repair and reconstruct the drainage works and improvements called for in the supplemental plan of reclamation of the district.

SECTION

1. Enacting clause.
242.230. Engineer's annual report—adoption of plan for reclamation—supplemental plans authorized.
242.450. Organization of commissioners—duties of secretary of board of supervisors—additional tax levy, when.
242.485. Additional bond issue authorized, when—form of ballot.

SECTION

- 242.500. Petition for reassessment of benefits—appointment of commissioners.
242.502. Supervisors to levy tax on readjusted benefits—levy, how determined.
242.504. Supervisors may issue bonds, limitation on.
242.506. Supervisors may levy new tax—procedure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 242.230, 242.450 and 242.500, RSMo 1969, are hereby repealed and seven new sections enacted in lieu thereof to be known as sections 242.230, 242.450, 242.485, 242.500, 242.502, 242.504, and 242.506, to read as follows:

242.230. Engineer's annual report—adoption of plan for reclamation—supplemental plans authorized.—The chief engineer shall make a report in writing to the board of supervisors once every twelve months and oftener if said board shall so require. Upon receipt of the final report of said engineer concerning surveys made of the lands and other property contained in the district organized, and plans for reclaiming the same, the board of supervisors shall adopt such report or any modification thereof approved by the chief engineer after consulting with him or some one representing him, and thereafter such adopted report shall be the plan for draining, leveeing or reclaiming such lands and other property from overflow or damage by water, and it shall after such adoption be known and designated as "The Plan for Reclamation", which plan shall be filed with the secretary of the board of supervisors and by him copied into the records of the district. Supplemental plans for draining, leveeing or reclaiming the lands and other property in the district from overflow or damage by water may be adopted by the board of supervisors from time to time as deemed necessary by the board of supervisors. The aforesaid supplemental plans may supplement, alter or modify "The Plan for Reclamation" and shall become a part thereof.

242.450. Organization of commissioners—duties of secretary of board of supervisors—additional tax levy, when.—1. After the list of lands, and other property, with the assessed benefits and the decree and judgment of court, have been filed in the office of the county recorder as provided in section 242.280, then the board of supervisors shall without any unnecessary delay, levy a tax of such portion of said benefits on all lands, railroad and other property in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements as shown in said plan for reclamation and in carrying out the objects of said district, and plus ten percent of said total amount for emergencies. The tax shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed and not in excess thereof.

2. Notwithstanding the limitations of sections 242.280 and 242.290 or any tax levy limitation contained in this chapter, the board of supervisors, having levied a tax pursuant to paragraph 1 of this section, may levy a new tax of such portion of the assessed benefits on all lands, railroad and other property in the district to which benefits have been assessed whenever it is found necessary by the board of supervisors to pay the cost of replacing, repairing and reconstructing drainage works and improvements called for and completed pursuant to the plan for reclamation originally

adopted by the board of supervisors and in carrying out the objects of said district. The tax levied under this paragraph shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed.

3. In case bonds are issued as provided herein and hereafter, then the amount of the interest, as estimated by said board of supervisors, which will accrue on such bonds shall be included and added to the tax levied under either paragraph 1 or 2 of this section, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are or are not equal to or in excess of the benefits assessed.

4. The secretary of the board of supervisors, as soon as and whenever said total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied, in the form of a well-bound book, which book shall be endorsed and named "Drainage Tax Record of.....Drainage District....." which endorsement shall also be printed or written at the top of each page in said book, and shall be signed and certified by the president and secretary of the board of supervisors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of said secretary.

242.485. Additional bond issue authorized, when—form of ballot.—1. The board of supervisors may, if in their judgment it seems best, issue additional bonds which do not exceed ninety percent of the amount of new taxes levied pursuant to paragraph 2 of section 242.450. The funds derived from the sale of said bonds shall be used only to pay the costs of replacing, repairing, and reconstructing the drainage works and improvements called for and completed pursuant to the plan for reclamation originally adopted by the board of supervisors.

2. The board of supervisors shall issue such additional bonds only if, at a meeting called for such purpose, the issuance of the bonds obtains the approval of the owners of two-thirds of the acreage in the district having benefits assessed against it. The owners of property within the district shall vote at such meeting in the manner provided in section 242.150 and 242.160.

3. Notice for the meeting referred to in paragraph 2 shall be in substantially the following form:

**NOTICE OF MEETING
OF DRAINAGE DISTRICT**

Notice is hereby given to owners of land and other property in drainage district of Missouri that a meeting will be held on, 19....., at o'clock at in county for the purpose of approving the issuance of bonds to finance the cost of replacing, repairing and reconstructing the drainage works and improvements called for and contemplated in the plan for reclamation originally adopted by the board of supervisors, and transacting such further business as may come before said meeting. The meeting will be open to the public.

Done by order of the Board of Supervisors this day of, 19.....

.....
Secretary of the Board of Supervisors

4. The secretary shall cause the notice of the meeting to be published once a week for two consecutive weeks in some newspaper published in each county in which lands of the district are situated, the last insertion to be at least ten days before the day of such meeting.

5. The bonds shall be issued in all other respects pursuant to and in accordance with the provisions of section 242.480.

242.500. Petition for reassessment of benefits—appointment of commissioners.—1. Whenever the owners of twenty-five percent or more of the acreage of the lands in the district shall file a petition with the circuit clerk in whose office the articles of association were filed, stating that there has been a material change in the values of the property in the district since the last previous assessment of benefits

or readjustment of the assessment of benefits and praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of the maintenance tax or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 242.230, or for both of the aforesaid purposes, the said circuit clerk shall give notice of the filing and hearing of said petition in the manner and for the time provided for in section 242.030. Such notice may be in the following form:

Notice is hereby given to all persons interested in the lands and property included within the district that a petition has been filed in the office of the clerk of the circuit court of county, praying for a readjustment of the assessment of benefits for the purpose(s) of and that said petition will be heard by said circuit court on the first day of the next term of said court.

Clerk of the circuit court county.

Upon hearing of said petition if said court shall find that there has been a material change in the values of property in said district since the last previous assessment of benefits the court shall order that there be made a readjustment of the assessment of benefits for the purpose of providing a basis upon which to levy the maintenance tax of said district or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 242.230, or for both of the aforesaid purposes.

2. Thereupon the court shall appoint three commissioners, possessing the qualifications of commissioners appointed under section 242.240 to make such readjustment of assessments in the manner provided in section 242.260 of this chapter and said commissioners shall make their report, and the same proceedings shall be had thereon, as nearly as may be, as are herein provided for the assessment of benefits accruing for original construction; provided, that in making the readjustment of the assessment of benefits said commissioners shall not be limited to the aggregate amount of the original or any readjustment of the assessment of benefits, and may assess the amount of benefits that will accrue from carrying out and putting into effect such supplemental plan for reclamation adopted by the board of supervisors pursuant to section 242.230. After the making of such readjustment, the limitation of ten percent of the annual maintenance tax which may be levied shall apply to the amount of benefits as readjusted and the limitation of the tax which may be levied for payment of the costs of the completion of the proposed works and improvements as shown in the aforesaid supplemental plan for reclamation shall apply to the amount of the benefits as readjusted. There shall be no such readjustment of benefits oftener than once in five years. The list of lands, and other property, with the readjusted assessed benefits and the decree and judgment of the court, shall be filed in the office of the county recorder as provided in section 242.280.

242.502. Supervisors to levy tax on readjusted benefits—levy, how determined.—1. If the board of supervisors deem it necessary, the board shall without unnecessary delay, levy a tax of such portion of said readjusted assessed benefits on all lands, railroad and other property in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 242.230 and in carrying out the objects of said district, and plus ten percent of said total amount for emergencies. The tax levied pursuant to this section shall be apportioned to and be levied on each tract of land or property in said district in proportion to the readjusted assessed benefits, provided that the amount of such tax levied pursuant to this section, when added to any taxes previously levied and remaining unpaid at the time of the levy provided for in this section, shall not exceed the total amount of the readjusted assessed benefits.

2. The tax shall be levied in the manner provided in sections 242.450 and 242.460.

242.504. Supervisors may issue bonds, limitation on.—1. The board of supervisors may, if in their judgment it seems best, issue bonds which, when added to the bonded indebtedness then outstanding, do not exceed ninety percent of the total amount of taxes levied pursuant to section 242.502. The funds derived from the sale of said bonds shall be used to pay the costs of drainage works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 242.230 and to refund outstanding protested warrants.

2. The bonds shall be issued pursuant to and in accordance with the provisions of section 242.480.

242.506. Supervisors may levy new tax—procedure.—1. Notwithstanding the limitations of sections 242.280 and 242.290 or any tax levy limitation contained in this chapter, the board of supervisors, having levied a tax pursuant to section 242.502, may levy a new tax and, if necessary, issue additional bonds whenever it is found necessary by the board of supervisors to pay the cost of replacing, repairing and reconstructing the drainage works and improvements called for and completed pursuant to the supplemental plan for reclamation adopted by the board of supervisors. Any tax levied pursuant to this section shall be apportioned to and levied on each tract of land or property in said district in proportion to the readjusted assessed benefits. The tax authorized by this section shall be levied in the manner provided by sections 242.450 and 242.460.

2. The additional bonds authorized in paragraph 1 of this section shall be issued pursuant to and in accordance with the provisions of sections 242.480 and 242.485, provided that the additional bonds do not exceed ninety percent of the amount of new taxes levied pursuant to this section.

Approved May 3, 1977.

[S. B. 3]

LANDS, LEVEES, DRAINAGE AND PUBLIC WATER SUPPLY: Reclamation of a levee district, the levy of tax, and adjustment of assessment of benefits.

AN ACT to repeal sections 245.105, 245.180 and 245.197 RSMo 1969, relating to a plan of reclamation of a levee district, the levy of a tax, and the adjustment of the assessment of benefits to land resulting from carrying out the plan for reclamation of a levee district, and to enact in lieu thereof six new sections relating to the same subjects; authorizing the levy of a tax and the issuance of bonds to replace, repair and reconstruct the works and improvements of the levee district; authorizing the levy of a tax and the issuance of bonds pursuant to a readjustment of the assessment of benefits resulting from carrying out a supplemental plan of reclamation of a levee district; and authorizing the levy of a tax and the issuance of bonds to replace, repair and reconstruct the works and improvements called for in the supplemental plan of reclamation of the levee district.

SECTION

- 1. Enacting clause.
- 245.105. Chief engineer to make report—supervisors to adopt plans and supplemental plans for reclamation.
- 245.180. Board to levy tax, when—new tax authorized, when—tax, how levied—secretary to prepare levy tax record.
- 245.181. Additional bonds authorized, when—meeting, votes how cast—form of notice—notice, how given.

SECTION

- 245.197. Readjustment of benefits, when—levy of new tax for carrying out supplemental plan—notice, how given—form of notice—lists, where filed.
- 245.198. Tax levy, when—emergency levy of ten percent.
- 245.199. Additional bonds authorized, when—how issued.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 245.105, 245.180 and 245.197, RSMo 1969, are hereby repealed and six new sections enacted in lieu thereof to be known as sections 245.105, 245.180, 245.181, 245.197, 245.198, and 245.199, to read as follows:

245.105. Chief engineer to make report—supervisors to adopt plans and supplemental plans for reclamation.—The chief engineer shall make a report in writing to the board of supervisors when said board shall so require it. Upon receipt of the final report of said engineer concerning surveys made of the lands and other property contained in the district organized, and plans for reclaiming or protecting the same the board of supervisors shall adopt such report or any modification thereof approved by the chief engineer after consulting with him or some one representing him, and thereafter such adopted report shall be the plan for leveeing, protecting or reclaiming such lands and other property from overflow or damage by water, and it shall after such adoption be known and designated as "the plan for reclamation" which term shall include leveeing, diking, bank protection, current control or other improvement, which plan shall be filed with the secretary of the board of supervisors and by him copied into the records of the district. Supplemental plans for leveeing, protecting or reclaiming the lands and other property in the district from overflow or damage by water may be adopted by the board of supervisors from time to time as deemed necessary by the board of supervisors. The aforesaid supplemental plans may supplement, alter or modify "the plan for reclamation" and shall become a part thereof.

245.180. Board to levy tax, when—new tax authorized, when—tax, how levied—secretary to prepare levy tax record.—1. After the lists of lands and other property, with the assessed benefits and the decree and judgment of court, have been filed in the office of the county recorder as provided in section 245.130, then the board of supervisors shall without any unnecessary delay, levy a tax of such portion of said benefits on all lands, railroad and other property in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the cost of the completion of the proposed works and improvements as shown in said plan for reclamation and in carrying out the objects of said district, and plus ten percent of said total amount for emergencies. The said tax shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed and not in excess thereof.

2. Notwithstanding the limitations of sections 245.130 and 245.135 or any tax levy limitation contained in this chapter, the board of supervisors, having levied a tax pursuant to paragraph 1 of this section, may levy a new tax of such portion of the assessed benefits on all lands, railroad and other property in the district to which benefits have been assessed whenever it is found necessary by the board of supervisors to pay the cost of replacing, repairing and reconstructing works and improvements called for and completed pursuant to the plan for reclamation originally adopted by the board of supervisors and in carrying out the objects of said district. The tax levied under this paragraph shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed.

3. In case bonds are issued as provided herein and hereafter, then the amount of the interest (as estimated by said board of supervisors) which will accrue on such bonds shall be included and added to the said tax levied under either paragraph 1 or 2 of this section, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the cost of construction in determining whether or not the expenses and costs of making said improvements are or are not equal to or in excess of the benefits assessed. The secretary of the board of supervisors, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied, in the form of a well-bound book, which book shall be indorsed and named "levee tax record of levee district", which indorsement shall also be printed or written at the top of each page in said book and shall be signed and certified by the president and secretary of the board of supervisors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of said secretary.

245.181. Additional bonds authorized, when—meeting, votes how cast—form of notice—notice how given.—1. The board of supervisors may, if in their

judgment it seems best, issue additional bonds which do not exceed ninety-one percent of the amount of new taxes levied pursuant to paragraph 2 of section 245.180. The funds derived from the sale of said bonds shall be used only to pay the costs of replacing, repairing, and reconstructing the works and improvements called for and completed pursuant to the plan for reclamation originally adopted by the board of supervisors.

2. The board of supervisors shall issue such additional bonds only if, at a meeting called for such purpose, the issuance of the bonds obtains the approval of the owners of two-thirds of the acreage and miles of right-of-way in the district which has benefits assessed against it. The owners of property within the district shall vote at such meeting in the manner provided in sections 245.060 and 245.070.

3. Notice for the meeting referred to in paragraph 2 shall be in substantially the following form:

**NOTICE OF MEETING
OF LEVEE DISTRICT**

Notice is hereby given to owners of land and other property in levee district of Missouri that a meeting will be held on 19..... at o'clock at in county for the purpose of approving the issuance of bonds to finance the cost of replacing, repairing and reconstructing the works and improvements called for and contemplated in the plan for reclamation originally adopted by the board of supervisors, and transacting such further business as may come before said meeting. The meeting will be open to the public.

Done by order of the Board of Supervisors this day of, 19.....

.....
Secretary of the Board of Supervisors

4. The secretary shall cause the notice of the meeting to be published once a week for two consecutive weeks in some newspaper published in each county in which lands of the district are situated, the last insertion to be at least ten days before the day of such meeting.

5. The bonds shall be issued in all other respects pursuant to and in accordance with the provisions of section 245.230.

245.197. Readjustment of benefits, when—levy of new tax for carrying out supplemental plan—notice, how given—form of notice—lists where filed.—

1. Whenever the board of supervisors of any district now existing or hereafter organized pursuant to sections 245.010 to 245.280, for and in behalf of the district, or the owners of twenty-five percent or more of the acreage of the lands in the district, shall file a petition with the circuit clerk, in whose office the articles of association were filed, stating that there has been a material change in the values of the property in the district since the last previous assessment of benefits or readjustment of the assessment of benefits and praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of the maintenance tax or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 245.105, or for both of the aforesaid purposes, the court wherein the petition is filed, if in session, or the clerk thereof in vacation, shall fix a date for the hearing of the petition which date shall not be less than forty-five nor more than sixty days from the date of the filing of the petition.

2. The circuit clerk shall give notice of the filing and hearing of the petition in the manner and for the time provided for in section 245.020. Such notice may be in the following form:

To All Persons Interested in the Lands and Property Included Within.....
District:

You are hereby notified that a petition has been filed in the office of the clerk of the circuit court of County, Missouri, praying for a readjustment of the

assessment of benefits for the purpose(s) of

and that said petition will be heard by said circuit court on the day of
19.....

.....
Clerk of the Circuit Court of
..... County, Missouri.

3. Upon the hearing of the petition if the court finds that there has been a material change in the values of property in the district since the last previous assessment of benefits the court shall order that there be made a readjustment of the assessment of benefits for the purpose of providing a basis upon which to levy the maintenance tax of the district or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 245.105, or for both of the aforesaid purposes.

4. Thereupon the court shall appoint three commissioners possessing the qualifications of commissioners appointed under section 245.110 to make such readjustment of assessments in the manner provided in section 245.120. The commissioners shall make their report, and the same proceedings shall be had thereon, as nearly as may be, as are provided in section 245.010 to 245.280, for the assessment of benefits accruing from the original construction. In making the readjustment of the assessment of benefits the commissioners shall not be limited to the aggregate amount of the original or any readjustment of the assessment of benefits, and may assess the amount of benefits that will accrue from carrying out and putting into effect such supplemental plan for reclamation adopted by the board of supervisors pursuant to section 245.105. After the making of such readjustment the limitation of ten percent of the benefits assessed for the annual maintenance tax which may be levied shall apply to the amount of benefits as readjusted and the limitation of the tax which may be levied for payment of the costs of the completion of the proposed works and improvements as shown in the aforesaid supplemental plan for reclamation shall apply to the amount of the benefits readjusted.

5. There shall be no such readjustment of benefits oftener than once in five years. The lists of land and other property, with the readjusted assessed benefits and the decree and judgment of the court, shall be filed in the office of the county recorder as provided in section 245.130.

245.198. Tax levy, when—emergency levy of ten percent.—1. If the board of supervisors deem it necessary, the board shall without unnecessary delay, levy a tax of such portion of said readjusted assessed benefits on all lands, railroad and other property in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 245.105 and in carrying out the objects of said district, and plus ten percent of said total amount for emergencies. The tax levied pursuant to this section shall be apportioned to and be levied on each tract of land or property in said district in proportion to the readjusted assessed benefits, provided that the amount of such tax levied pursuant to this section, when added to any taxes previously levied and remaining unpaid at the time of the levy provided for in this section, shall not exceed the total amount of the readjusted assessed benefits.

2. The tax shall be levied in the manner provided in sections 245.180 and 245.185.

245.199. Additional bonds authorized, when—how issued.—1. The board of supervisors may, if in their judgment it seems best, issue bonds which, when added to the bonded indebtedness then outstanding, do not exceed ninety-one percent of the total

amount of taxes levied pursuant to section 245.198. The funds derived from the sale of said bonds shall be used to pay the costs of works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 245.105 and to refund outstanding protested warrants.

2. The bonds shall be issued pursuant to and in accordance with the provisions of section 245.230.

3. Notwithstanding the limitations of sections 245.130 and 245.135 or any tax levy limitation contained in this chapter, the board of supervisors, having levied a tax pursuant to paragraph 1 of this section, may levy a new tax and, if necessary, issue additional bonds whenever it is found necessary by the board of supervisors to pay the cost of replacing, repairing and reconstructing the works and improvements called for and completed pursuant to the supplemental plan for reclamation adopted by the board of supervisors. Any tax levied pursuant to this section shall be apportioned to and levied on each tract of land or property in said district in proportion to the readjusted assessed benefits. The tax authorized by this section shall be levied in the manner provided by sections 245.180 and 245.185.

4. The additional bonds authorized in paragraph 3 of this section shall be issued pursuant to and in accordance with the provisions of sections 245.181 and 245.230, provided that the additional bonds do not exceed ninety-one percent of the amount of new taxes levied pursuant to paragraph 3 of this section.

Approved May 18, 1977.

[H. B. 190]

CONSERVATION, RESOURCES AND DEVELOPMENT: Operation of certain services and facilities on state park lands.

AN ACT to repeal section 253.080, RSMo 1969, relating to the operation of certain services and facilities on state park lands, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

253.080. Director of Natural Resources may construct and operate facilities and collect fees for usage—concession contracts—limitations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 253.080, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 253.080, to read as follows:

253.080. Director of Natural Resources may construct and operate facilities and collect fees for usage—concession contracts—limitations.—1. The director of the department of natural resources may construct, establish and operate suitable public services, privileges, conveniences and facilities on any land, site or object under the department's jurisdiction and control, and may charge and collect reasonable fees for the use of the same. The director may charge reasonable fees for supplying services on state park areas. Any facilities so constructed under this provision shall only be done by appropriated funds.

2. The director may award by contract to any suitable person, persons, corporation or association the right to construct, establish and operate public services, privileges, conveniences and facilities on any land, site or object under the department's control for a period not to exceed twenty-five years with a renewal option, and may supervise and regulate any and all charges and fees of operations by private enterprise for supplying services and operating facilities on state park areas.

3. All contracts awarded under this section shall be entered into upon the basis of

competitive sealed bids. A sworn financial statement shall accompany each bid, and all contracts shall be let by the director at a regular meeting after public notice of the time of the letting. All bids submitted prior to the opening of the meeting shall be considered. Advertisements for bids in daily or weekly newspapers shall be made by the director. The director shall accept the bid most favorable to the state from a responsible and reputable person but may, for good cause, reject any bid.

4. No contract for a period of ten years or more or a renewal thereof for such period, as provided in subsection 2, shall be finally awarded until approved by the general assembly by concurrent resolution considered and adopted as other concurrent resolutions of the general assembly.

5. A good and sufficient bond conditioned upon the faithful performance of the contract and compliance with this law shall be required of all contractors.

6. Any person who contracts under this section, except under subsection 2, with the state shall keep true and accurate records of his receipts and disbursements arising out of the performance of the contract and shall permit the division of parks and recreation of the department of natural resources and the state director of revenue to audit them. The division of parks and recreation of the department of natural resources and the state director of revenue shall audit the receipts and disbursement of each contract once every two years and upon the expiration of the contract. For the purpose of subsections 5 and 6, no contract shall be deemed to extend to operations or management in more than one state park.

Approved June 8, 1977.

[C. C. S. No. 2 H. B. 318]

CONSERVATION, RESOURCES AND DEVELOPMENT: Hazardous waste management.

AN ACT relating to hazardous waste management, with penalty provisions and a termination date for certain provisions.

SECTION

1. Short title.
2. Exempted wastes.
3. Definitions.
4. Hazardous Waste Management Commission created—composition, qualifications—terms—meetings, notice required, quorum.
5. Powers of commission—regulations to be adopted—hearings and subpoenas authorized—variances granted, when—rulemaking powers terminate November 30, 1981.
6. Duties of department—licenses required—permits required.
7. Duties of hazardous waste generators.
8. Waste transporters.
9. Duties of hazardous waste facility owners or operators.

SECTION

10. Transportation of hazardous waste, how permitted—fees, how determined—notice prior to issuance of permits—suspension or revocation of permits, when.
11. Procedure for conducting public hearings—rulemaking, procedure for.
12. Variances granted, when.
13. Department to enforce standards, rules and regulations—appeal authorized.
14. Appeals.
15. Imminent hazard, action to be taken.
16. Violations, how punished.
17. Confidential information—illegal disclosure, penalty.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Short title.—This act shall be known and may be cited as the "Missouri Hazardous Waste Management Law".

Section 2. Exempted wastes.—Exempted from the provisions of this act are:

(1) Radioactive wastes regulated by laws of the federal government or of this state;

(2) Emissions to the air subject to regulation of and which are regulated by the Missouri air conservation commission pursuant to chapter 203, RSMo;

(3) Discharges to the waters of this state pursuant to a permit issued by the Missouri clean water commission pursuant to chapter 204, RSMo;

(4) Fluids injected or returned into subsurface formations in connection with oil or gas operations regulated by the Missouri oil and gas council pursuant to chapter 259, RSMo;

(5) Mining wastes used in reclamation of mined lands pursuant to a permit issued by the Missouri land reclamation commission pursuant to chapter 444, RSMo.

Section 3. Definitions.—When used in this act and in standards, rules and regulations adopted pursuant to this act, the following words and phrases mean, unless the context clearly requires otherwise:

(1) "Commission", the hazardous waste management commission of the state of Missouri created by this act;

(2) "Department", the Missouri department of natural resources;

(3) "Director", the director of the Missouri department of natural resources;

(4) "Disposal", the discharge, deposit, dumping or placing of waste into or on the land as a final action;

(5) "Final disposition", the location, time and method by which hazardous waste loses its identity or enters the environment including, but not limited to, disposal, resource recovery and treatment;

(6) "Generation", the act or process of producing waste;

(7) "Generator", any person who produces waste;

(8) "Hazardous waste", any waste or combination of wastes which is determined by the department, pursuant to rules and regulations adopted by the commission, because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or other living organisms;

(9) "Hazardous waste facility", any property that is intended or used for hazardous waste management including, but not limited to, storage, treatment and disposal sites;

(10) "Hazardous waste management", the systematic recognition and control of hazardous waste from generation to final disposition including, but not limited to, its identification, containerization, labelling, storage, collection, transfer or transportation, treatment, resource recovery or disposal;

(11) "Manifest", a department form accompanying hazardous waste from point of generation, through transport, to final disposition;

(12) "Person", an individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(13) "Resource recovery", the reclamation of energy or materials from waste, its reuse or its transformation into new products which are not wastes;

(14) "Storage", the containment or holding of waste at a designated location in such a manner or for such a period of time, as determined in regulations adopted hereunder, so as not to constitute disposal of such waste;

(15) "Treatment", the processing of waste to remove or reduce its harmful properties or to contribute to more efficient or less costly management or to enhance its potential for resource recovery including, but not limited to, existing or future procedures for biodegradation, concentration, detoxification, fixation, incineration or neutralization;

(16) "Waste", any material for which no use or sale is intended and which will be

discarded or any material which has been or is being discarded. Waste shall also include certain residual materials, to be specified by the rules and regulations, which may be sold for purposes of energy or materials reclamation, reuse or transformation into new products which are not wastes.

Section 4. Hazardous Waste Management Commission created—composition, qualifications—terms—meetings, notice required, quorum.—

1. There is hereby created a hazardous waste management agency to be known as the "Hazardous Waste Management Commission of the State of Missouri", whose domicile for the purposes of this act shall be deemed to be that of the department of natural resources of the state of Missouri. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. No more than four members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of waste management and the effects of improper waste management on health and the environment and shall serve in a manner consistent with the purposes of this act. Three of the members, but no more than three, one for each interest, shall be knowledgeable of and may represent the interests of agriculture, the waste generating industry and the waste management industry. Except for the industry members, no member shall receive, or have received during the previous two years, a significant portion of income directly or indirectly from any license or permit holder or applicant for license or permit under any waste management act. At the first meeting of the commission and annually thereafter, the members shall select from among themselves a chairman and a vice-chairman. Prior to any vote on any variance, appeal or order, they shall adopt a voting rule to exclude from such vote any member with a conflict of interest with respect to the matter at issue.

2. The members' terms of office shall be four years and until their successors are selected and qualified, except that, of those first appointed, three shall have a term of three years, two shall have a term of two years and two shall have a term of one year as designated by the governor at the time of appointment. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

3. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the department to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public. Any member absent from four consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with this section.

Section 5. Powers of commission—regulations to be adopted—hearings and subpoenas authorized—variances granted, when—rulemaking powers terminate November 30, 1981.—1. In addition to any other powers vested in it by law, the commission shall have the following powers:

(1) From time to time adopt, amend or repeal, after due notice and public hearing, standards, rules and regulations to implement, enforce and effectuate the powers, duties or purposes of this act and any required of this state by any federal hazardous waste management act and as the commission may deem necessary to provide for the safe management of hazardous wastes to protect the health of humans and other living

organisms. In implementing this subsection the commission shall consider the variations within this state in climate, geology, population density, quantities and types of hazardous wastes generated, availability of hazardous waste facilities and such other factors as may be relevant to the safe management of hazardous wastes. Within two years after the effective date of this act the commission shall adopt rules and regulations including, but not limited to, the following:

(a) Rules and regulations establishing criteria for the determination of whether any waste or combination of wastes is hazardous for the purposes of this act, taking into account toxicity, persistence and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness and other hazardous characteristics;

(b) Rules and regulations for the storage, treatment and disposal of hazardous wastes;

(c) Rules and regulations for the transportation, containerization and labelling of hazardous wastes, which shall be consistent with those issued by the Missouri public service commission;

(d) Rules and regulations for the issuance, modification, suspension, revocation or denial of such licenses and permits as are consistent with the purposes of this act;

(e) Rules and regulations establishing standards and procedures for the safe operation and maintenance of hazardous waste facilities in order to protect the health of humans and other living organisms;

(f) Rules and regulations listing those wastes or combinations of wastes, for which criteria have been established under (a), and which are not compatible and which may not be stored or disposed of together;

(g) Rules and regulations establishing procedures and requirements for the reporting of the generation, storage, transportation, treatment or disposal of hazardous wastes;

(2) Adopt and publish, after notice as required by the provisions of chapter 536, RSMo pertaining to administrative rule making, and public hearing, a state hazardous waste management plan to provide for the safe and effective management of hazardous wastes within this state. This plan shall be adopted within two years after the effective date of this act and revised at least once every five years thereafter;

(3) Hold hearings, issue notices of hearings and subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as the commission deems necessary to accomplish the purposes of this act or as required by any federal hazardous waste management act. Unless otherwise specified in this act, any of these powers may be exercised on behalf of the commission by any members thereof or a hearing officer designated by it;

(4) Grant individual variances in accordance with the provisions of this act;

(5) Make such orders as are necessary to implement, enforce and effectuate the powers, duties and purposes of this act.

2. Any rule or regulation issued pursuant to this section after the effective date of this act shall expire two years after promulgation thereof unless, prior to such date, both houses of the general assembly, by concurrent resolution approved by the governor, shall approve such rule or regulation.

3. All authority to promulgate rules and regulations under this section shall terminate November 30, 1981.

Section 6. Duties of department—licenses required—permits required.—The department shall:

(1) Exercise general supervision of the administration and enforcement of this act and all standards, rules and regulations, orders or license and permit terms and conditions adopted or issued hereunder;

(2) Develop and implement programs to achieve goals and objectives set by the state hazardous waste management plan;

(3) Retain, employ, provide for and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full or part-time basis as may be necessary to carry out the provisions of this act and prescribe the times at which they shall be appointed and their powers and duties;

(4) Budget and receive duly appropriated monies for expenditures to carry out the provisions of this act;

(5) Accept, receive and administer grants or other funds or gifts from public and private agencies including the federal government for the purpose of carrying out any of the functions of this act. Funds received by the department pursuant to this section shall be deposited with the state treasurer and held and disbursed by him in accordance with the appropriations of the general assembly;

(6) Provide the commission all necessary support the commission may require to carry out its powers and duties including, but not limited to: keeping of records of all meetings; notification, at the direction of the chairman of the commission, the members of the commission of the time, place and purpose of each meeting by written notice; drafting, for consideration of the commission, a state hazardous waste management plan and standards, rules and regulations necessary to carry out the purposes of this act; and investigation of petitions for variances and complaints made to the commission and submission of recommendations thereto;

(7) Collect and maintain, and require any person to collect and maintain, such records and information of hazardous waste generation, storage, transportation, resource recovery, treatment and disposal in this state, including quantities and types imported and exported across the borders of this state and install, calibrate and maintain and require any person to install, calibrate and maintain such monitoring equipment or methods, and make reports consistent with the purposes of this act;

(8) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;

(9) Develop facts and make inspections and investigations, including gathering of samples and performing of tests and analyses, consistent with the purposes of this act, and in connection therewith, to enter or authorize any representative of the department to enter, at all reasonable times and upon reasonable notice, in or upon any private or public property for any purpose required by this act or any federal hazardous waste management act. Such entry may be for the purpose, without limitation, of developing or implementing standards; rules and regulations, orders or license or permit terms and conditions, of inspecting or investigating any records required to be kept by this act or any license or permit issued hereunder or any hazardous waste management practice which the department or commission believes violates this act, or any standard, rule or regulation, order or license or permit term or condition adopted or issued hereunder, or otherwise endangers the health of humans or other living organisms, or the site of any suspected violation of this act, or any standard, rule or regulation, order, or license or permit term or condition adopted or issued hereunder. The results of any such investigation shall be reduced to writing and shall be furnished to the owner or operator of the property. No person shall refuse entry or access requested for the purpose of inspection under this provision to an authorized representative of the department or commission who presents appropriate credentials, nor obstruct or hamper the representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or magistrate having jurisdiction to any such representative for the purpose of enabling the representative to make such inspection;

(10) Require each hazardous waste generator located within this state and each hazardous waste generator located outside of this state before utilizing any hazardous waste facility in this state to file a registration report containing such information as the commission by regulation may specify relating to types and quantities of hazardous waste generated and methods of hazardous waste management, and to meet all other requirements placed upon hazardous waste generators by this act and the standards.

rules and regulations and orders adopted or issued hereunder;

(11) Require each hazardous waste transporter operating in this state to obtain a license and to meet all applicable requirements of this act and the standards, rules and regulations, orders and license terms and conditions adopted or issued hereunder;

(12) Require each hazardous waste facility owner and operator to obtain a permit for each such facility and to meet all applicable requirements of this act and the standards, rules and regulations, orders and permit terms and conditions adopted or issued hereunder;

(13) Issue, continue in effect, revoke, modify or deny in accordance with the standards, rules and regulations, hazardous waste transporter licenses and hazardous waste facility permits;

(14) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this act;

(15) Enter such order or determination as may be necessary to effectuate the provisions of this act and the standards, rules and regulations, and license and permit terms and conditions adopted or issued hereunder;

(16) Enter such order or cause to be instituted in a court of competent jurisdiction such legal proceedings as may be necessary in a situation of imminent hazard, as prescribed in section 15 of this act;

(17) Settle or compromise as it may deem advantageous to the state, with the approval of the commission, any suit undertaken by the commission for recovery of any penalty or for compelling compliance with any provision of this act or any standard, rule or regulation, order, or license or permit term or condition adopted or issued hereunder;

(18) Advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies and with affected groups, political subdivisions and industries in furtherance of the purposes of this act and, upon request, consult with persons subject to this act on the proper measures necessary to comply with the requirements of this act and rules and regulations adopted hereunder;

(19) Encourage, coordinate, participate in or conduct studies, investigations, research and demonstrations relating to hazardous waste management as it may deem advisable and necessary for the discharge of its duties under this act;

(20) Represent the state of Missouri in all matters pertaining to interstate hazardous waste management including the negotiation of interstate compacts or agreements;

(21) Arrange for the establishment, staffing, operation and maintenance of collection stations, within appropriations or other funding available therefor, for householders, farmers and other exempted persons as provided under section 7 of this act;

(22) Collect and disseminate information relating to hazardous waste management;

(23) Conduct education and training programs on hazardous waste problems and management;

(24) Encourage and facilitate public participation in the development, revision and implementation of the state hazardous waste program;

(25) Encourage waste reduction, resource recovery, exchange and energy conservation in hazardous waste management;

(26) Exercise all incidental powers necessary to carry out the purposes of this act, assure that the state of Missouri complies with any federal hazardous waste management act and retains maximum control thereunder, and receives all desired federal grants, aid and other benefits;

(27) Present to the public, at a public meeting, and to the governor and the members of the general assembly, an annual report on the status of the state hazardous waste program;

(28) Develop comprehensive plans and programs to aid in the establishment of

hazardous waste disposal sites as needed within the various geographical areas of the state within a reasonable period of time.

Section 7. Duties of hazardous waste generators.—1. After Six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 5 of this act, hazardous waste generators shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations;

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all non-hazardous wastes and from non-compatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license under this act for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or offsite storage of all hazardous wastes, only a hazardous waste facility holding a permit under this act or a hazardous waste management act of the federal or any other state government, or a resource recovery or other facility exempted from the permit requirement under section 10 of this act;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in this act and rules and regulations adopted hereunder;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property.

2. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans or other living organisms or to create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted under this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site holding a permit under this act or a hazardous waste management act of the federal or any other state government which the department designates for this purpose; or,

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

Section 8. Waste transporters.—After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 5 of this act, hazardous waste transporters shall:

(1) Not transport any hazardous waste in this state without first obtaining a hazardous waste transporter license from the department as specified in section 10 of this act;

(2) Use and operate equipment which has been approved by the department and follow procedures, when transporting hazardous wastes, which meet all applicable state and federal regulations and standards for the transportation of hazardous materials and all applicable standards, rules and regulations adopted under this act and all terms and conditions of their license;

(3) Unless otherwise provided in this act or the rules and regulations adopted hereunder, accept only shipments of hazardous waste that are accompanied by a manifest, provided by the generator, that has been completed and signed by the generator in accordance with the rules and regulations adopted under this act;

(4) Complete, sign and file the transporter portion of the manifest as specified in rules and regulations adopted under this act;

(5) Deliver hazardous waste and the accompanying manifest only to the destination specified by the generator on the manifest, which destination must be a hazardous waste facility holding a permit under this act or a hazardous waste management act of the federal or any other state government, or a resource recovery or other facility exempted from the permit requirement, and in accordance with provisions which apply under section 10 of this act and rules and regulations adopted hereunder;

(6) Collect and maintain such records and submit such reports as specified in this act and in rules and regulations and terms and conditions of their license adopted or issued hereunder;

(7) Make available to the department upon request made during transportation, samples of wastes transported and all records relating to hazardous waste transportation, for inspection and copying, and allow the department to make unhampered inspections at any reasonable time of all facilities and equipment.

Section 9. Duties of hazardous waste facility owners or operators.—After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 5 of this act, hazardous waste facility owners or operators shall:

(1) Not construct, substantially alter or operate a hazardous waste facility without first obtaining a hazardous waste facility permit from the department as specified in section 10 of this act;

(2) Operate the facility according to the standards, rules and regulations adopted under this act and all terms and conditions of the permit;

(3) Unless otherwise provided in this act or the rules and regulations adopted hereunder, accept delivery of hazardous waste only if delivery is by a hazardous waste transporter holding a license under this act, the shipment is accompanied by a manifest properly completed by both the generator and transporter and their facility is the destination indicated by the generator on the manifest. Exempted from the requirements of this subsection are deliveries, when directed by the department, from householders, farmers and other persons exempted from generator responsibilities under provisions of section 7 of this act and deliveries made in emergency situations as specified in this act or the rules and regulations adopted hereunder. For such exempted deliveries they shall make a record of any waste accepted, its type, quantity, origin and the identity of the person making the delivery and promptly report this information to the department;

(4) Complete, sign and file the facility operator portion of the manifest as specified in rules and regulations adopted under this act;

(5) Whenever final disposition is to be achieved at another hazardous waste or exempted facility, initiate a new manifest and comply with the other responsibilities of generators specified in this act and in rules and regulations adopted hereunder;

(6) Collect and maintain such records, submit such reports and perform such monitoring as specified in this act and in rules and regulations and terms and conditions of their permit adopted or issued hereunder;

(7) Make available to the department upon request samples of wastes received and all records, for inspection and copying, relating to hazardous waste management and allow the department to make unhampered inspections at any reasonable time of all facilities and equipment.

Section 10. Transportation of hazardous waste, how permitted—fees, how determined—notice prior to issuance of permits—suspension or revocation of permits, when.—1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 5 of this act, it shall be unlawful for any person to transport any hazardous waste in this state without first obtaining a hazardous waste transporter license. Any person transporting hazardous waste in this state shall file an application for a license under this subsection which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with such equipment identification and data as may be necessary to demonstrate to the satisfaction of the department that equipment engaged in such transportation of hazardous waste, and other equipment as designated in rules and regulations hereunder, is adequate to provide protection of the health of humans and other living organisms and to comply with the provisions of any federal hazardous waste management act and this act and the standards, rules and regulations adopted hereunder. If approved by the department, this demonstration of protection may be satisfied by providing certification that the equipment so identified meets and will be operated in accordance with the rules and regulations of the Missouri public service commission and the federal department of transportation for the transportation of the types of hazardous materials for which it will be used;

(2) Include, as specified by rules and regulations, demonstration of financial responsibility including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof which shall be related to the number of units, types and sizes of equipment to be used in the transport of hazardous waste by the applicant;

(3) Include, as specified in rules and regulations, a fee payable to the state of Missouri which shall be in an amount to be determined by the number of vehicles and the gross weight of each vehicle to be covered by the license but shall not exceed one hundred dollars per vehicle to be covered by the license.

2. If the department determines the application conforms to the provisions of any federal hazardous waste management act and this act and the standards, rules and regulations adopted hereunder, it shall issue the hazardous waste transporter license with such terms and conditions as it deems necessary to protect the health of humans and other living organisms. The department shall act within ninety days after receipt of the application. If the department denies the license, it shall issue a report to the applicant stating the reason for denial of the license.

3. A license may be suspended or revoked whenever the department determines that the equipment is or has been operated in violation of any provision of this act or any standard, rule or regulation, order, or license term or condition adopted or issued hereunder, poses a threat to the health of humans or other living organisms, or is creating a public nuisance.

4. Whenever a license is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the department within thirty

days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 11 of this act.

5. A license shall be issued for a period of one year and shall be renewed upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of this act and all standards, rules and regulations, orders and license terms and conditions adopted or issued hereunder.

6. A license is not required for the transport of any hazardous waste on the premises where it is generated or onto contiguous property owned by the generator thereof, or for those persons exempted in section 7 of this act. Nothing in this subsection shall be interpreted to preclude the department from inspecting unlicensed hazardous waste transporting equipment and to require that it be adequate to provide protection for the health of humans and other living organisms.

7. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 5 of this act it shall be unlawful for any person to construct, substantially alter or operate a hazardous waste facility without first obtaining a hazardous waste facility permit for such construction, alteration or operation from the department. Any person before constructing, substantially altering or operating a hazardous waste facility in this state shall file an application for a permit which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with plans, specifications and such other data as may be necessary to demonstrate to the satisfaction of the department that such facility does or will provide adequate protection of the health of humans and other living organisms and does or will comply with the provisions of any federal hazardous waste management act and this act and the standards, rules and regulations adopted hereunder;

(2) Include plans, designs, engineering reports and relevant data for construction, alteration or operation of a hazardous waste facility, to be submitted to the department by a registered professional engineer licensed by this state;

(3) Include, as specified by rules and regulations, demonstration of financial responsibility including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof, which shall be related to type and size of facility;

(4) Include a fee payable to the state of Missouri which shall not exceed one thousand dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in effect beyond the first year.

8. Prior to issuing or renewing a hazardous waste facility permit the department shall issue public notice by press release or advertisement and shall notify all record owners of adjoining property by mail directed to the last known address, and the village, town or city, if any, and the county in which the hazardous waste facility is located; and, upon request, shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

9. If the department determines that the application conforms to the provisions of any federal hazardous waste management act and this act and the standards, rules and regulations adopted hereunder, it shall issue the hazardous waste facility permit, with such terms and conditions and require such testing and construction supervision as it deems necessary to protect the health of humans and other living organisms. The department shall act within ninety days after receipt of the application. If the department denies the permit, it shall issue a report to the applicant stating the reason for denial of a permit.

10. A permit may be suspended or revoked whenever the department determines that the hazardous waste facility is, or has been operated in violation of any provision of this act or any standard, rule or regulation, order or permit term or condition adopted or

issued hereunder, poses a threat to the health of humans or other living organisms or is creating a public nuisance.

11. Whenever a permit is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 11 of this act.

12. A permit shall be issued for a period of up to five years and shall be renewed, upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of this act and all standards, rules and regulations, orders and permit terms and conditions adopted or issued hereunder.

13. A hazardous waste facility permit is not required for:

(1) The storage of hazardous waste on the premises where it is generated; however, such storage must conform to the provisions of any federal hazardous waste management act and this act and the applicable standards, rules and regulations adopted hereunder and any other applicable hazardous materials storage and spill prevention requirements provided by law;

(2) Municipal wastewater treatment plants whose discharges are regulated by a permit issued by the Missouri clean water commission;

(3) A resource recovery facility which the department certifies uses hazardous waste as a supplement to, or substitute for, non-waste material, and that the sole purpose of the facility is manufacture of a product rather than treatment or disposal of hazardous wastes;

(4) That portion of a facility engaged in hazardous waste resource recovery, when the facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided the owner or operator can demonstrate to the department's satisfaction and the department finds that such portion is not intended and is not used for hazardous waste treatment or disposal;

(5) Facilities exempted under this subsection must comply with the provisions of subsections (3) to (7) of section 9 of this act. Generators who use such an exempted facility shall keep records of hazardous wastes transported, except by legal flow through sewer lines, to the facility and submit such records to the department in accordance with the provisions of section 7 of this act and the standards, rules and regulations adopted hereunder.

14. The owner or operator of any hazardous waste facility in existence on the effective date of this act, and who at that time was authorized by permit of the department to receive hazardous wastes pursuant to the solid waste management law, chapter 260, RSMo, and who has applied for a hazardous waste facility permit under this act, may continue to receive and manage the same hazardous wastes in the same manner as specified in the permit then in effect, for a period of up to three years from the effective date of this act, or until the owner or operator receives a permit under this act, whichever is earlier; except that, during this period any such owner or operator must demonstrate to the department that he is actively engaged in the process of upgrading or otherwise improving the facility or operations in order to comply with the requirements of this act to obtain a permit, or that the facility already meets such requirements.

15. A license or permit shall not be issued to any person who is determined by the department to habitually engage in or to have habitually engaged in hazardous waste management practices which pose a threat to the health of humans or other living organisms or who is determined by the department to habitually violate or to have habitually violated the requirements of this act or the standards, rules and regulations, orders or license or permit terms and conditions issued and adopted hereunder. Nor shall a license or permit be issued to any person who has been adjudged in contempt of any court order enforcing the provisions of this act, or who has failed or refused to pay any penalty assessed by a court under this act.

16. No person otherwise qualified under this act for a license to transport hazardous wastes or for a permit to construct, substantially alter or operate a hazardous waste facility shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with this act cannot be reasonably assured or on determination made by the department that the probable volume of business is insufficient to insure and maintain the solvency of then existing permitted hazardous waste facilities.

Section 11. Procedure for conducting public hearings—rulemaking, procedure for.—1. At public hearings on variances or appeals of decisions hereunder all testimony taken before the commission shall be under oath and recorded stenographically. The transcript so recorded, upon payment of the usual charge therefor, shall be made available to any member of the public, the respondent or party to a hearing on a complaint, any party to a hearing on a petition for variance or any party appealing any order or determination of the department or commission.

2. In any hearing, any member of the commission or the hearing officer shall issue in the name of the commission notice of hearing and subpoenas and shall be authorized to require that testimony before such hearing be given under oath. Subpoenas shall be issued and enforced as provided in section 536.077, RSMo. The rules of discovery that apply in any civil case shall apply to hearings held by the commission.

3. All hearings to adopt standards, rules and regulations, or to adopt the state hazardous waste management plan shall be held before at least four members of the commission. All other hearings may be held before one commission member designated by the commission chairman or by a hearing officer who shall be a member of the Missouri bar and shall be appointed by the commission chairman. The hearing officer or commission member shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer or commission member shall make recommended findings of fact and may make recommended conclusions of law to the commission.

4. All final orders or determinations or other final actions by the commission shall be approved in writing by at least four members of the commission. Any commission member approving in writing any final action of the commission, who did not attend the hearing, shall do so only after reviewing all exhibits and reading the entire transcript.

5. The following requirements shall apply to the adoption, amendment and repeal of standards, rules and regulations:

(1) No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held after thirty days prior notice as required by the provisions of chapter 536, RSMo, pertaining to administrative rule making and by press release or public advertisement containing the date, time and place of the hearing and opportunity given to the public to be heard:

(2) At the hearing, opportunity to be heard by the commission with respect to the subject thereof shall be afforded any interested person upon written request to the commission, addressed to the department, not later than seven days prior to the hearing, and may be afforded to other persons if convenient. In addition, any interested persons, whether or not heard, may submit, within seven days subsequent to the hearings, a written statement of their views. The commission may solicit the views, in writing, of persons who may be affected by, knowledgeable concerning or interested in proposed standards, rules and regulations, the state hazardous waste management plan or any license, permit or variance. Any person heard or represented at the hearing or making written request for notice shall be given written notice of the action of the commission with respect to the subject thereof:

(3) Any standard, rule or regulation, amendment or repeal thereof or state

hazardous waste management plan shall not be deemed adopted or in force until it has been approved in writing by at least four members of the commission;

(4) Any standard, rule or regulation or amendment thereto adopted under this act may be disapproved within the first sixty days of each regular session of the general assembly by a senate or a house resolution adopted by a majority vote of the respective elected members of the senate or house: such disapproval shall rescind the disapproved rule or regulation on the date of the vote and shall be filed with the office of the secretary of state which office shall process this action in the same manner as other rules and regulations.

Section 12. Variances granted, when.—1. Unless prohibited by any federal hazardous waste management act, the commission may grant individual variances from the requirements of this act whenever it is found, upon presentation of adequate proof, that compliance with any provision of this act or any standard, rule or regulation, order or license or permit term or condition adopted or issued hereunder will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without sufficient corresponding benefit or advantage to the people; except that, no variance shall be granted where the effect of a variance will permit the continuance of a condition which unreasonably poses a present or potential threat to the health of humans or other living organisms; and except, also, that any variance so granted shall not be so construed as to relieve the person who receives the variance from any liability imposed by other law for the commission or maintenance of a nuisance or damage to the property or rights of any person.

2. In determining under what conditions and to what extent a variance may be granted, the commission shall weigh the equities involved and the advantages and disadvantages to the applicant and to those affected by the hazardous waste management practices of the applicant.

3. Variances shall be granted for such period of time and under such terms and conditions as shall be specified by the commission in its order. In no event shall the variance be granted for a period of time greater than one year and shall not be renewable unless new circumstances can be shown which preclude compliance within the one year period of the variance and the renewal will not result in an unreasonable risk to the health of humans or other living organisms. No variance shall exceed a total period of two years.

4. Any person seeking a variance shall do so by filing a petition for variance with the department. A filing fee of fifty dollars shall be paid to the state of Missouri with each petition before a variance is considered. The department shall promptly investigate the petition and make a recommendation to the commission within sixty days after the petition is received as to whether the variance should be granted or denied. The department shall promptly notify the petitioner of its action and at the same time shall issue public notice by press release or advertisement and shall notify all record owners of adjoining property by mail directed to the last known address and the village, town or city, if any, and the county which is the location of the facility for which the variance is sought.

5. If the recommendation of the department is to deny the variance, a hearing as provided in section 11 of this act shall be held by the commission if requested by the petitioner within thirty days of the date of notice of the recommendation of the department. If the recommendation of the department is for the granting of the variance, the commission may grant the variance without a hearing or, if not, shall set the matter for a hearing. If the commission grants the variance without a hearing the matter shall be passed upon at a public meeting no sooner than thirty days from the date of notice of the recommendation of the department, except that upon petition, filed within thirty days from the date of the recommendation, by any person aggrieved by the granting of the variance, a hearing shall be held and such petitioner shall become a

party to the proceeding. In any hearing under this section the burden of proof shall be on the person petitioning for a variance.

6. The commission may require the filing of a bond as a condition for the issuance of a variance in an amount determined by the commission to be sufficient to insure compliance with the terms and conditions of the variance. The bond shall be signed by the applicant as principal and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The commission may require that the bond shall remain in effect until the terms and conditions of the variance are met and the provisions of this act and rules and regulations promulgated hereunder are complied with.

7. Upon failure to comply with the terms and conditions of any bond or of any variance as specified by the commission, the variance may be revoked or modified or the bond may be revoked, or both, by the commission after a hearing held upon not less than thirty days written notice. The notice shall be served upon all persons who will be subjected to greater restrictions if the variance is revoked or modified or who have filed with the department a written request for notification.

8. Any decision of the commission made pursuant to a hearing held under this section is subject to judicial review as provided in section 14.

Section 13. Department to enforce standards, rules and regulations—appeal authorized.—1. The department shall cause investigations to be made upon the request of the commission or upon receipt of information concerning alleged violations of this act or any standard, rule or regulation, order or license or permit term or condition adopted or issued hereunder, and may cause to be made any other investigations it deems advisable to further the purposes of this act. Violations shall include obtaining a permit hereunder by misrepresentation or failure to fully disclose all relevant facts.

2. If, in the opinion of the department, the investigation discloses that a violation does exist, it may, by conference, conciliation or persuasion, endeavor to eliminate the violation.

3. In case of the failure by conference, conciliation or persuasion to correct or remedy any claimed violation, or as required to immediately and effectively halt or eliminate any imminent or substantial threats to the health of humans or other living organisms resulting from the claimed violation, the department may order abatement of the violation or may revoke any license, or any hazardous waste transportation vehicle approval or permit which may have been issued hereunder. The department shall cause to have issued and served upon the person complained against a written notice of the order or revocation which shall include a copy of the order or revocation, which shall specify the provision of this act, or the standard, rule or regulation order or license or permit term or condition adopted or issued hereunder of which the person is alleged to be in violation and a statement of the manner in which the person is alleged to violate this act, or the standard, rule or regulation, order or license or permit term or condition. Service may be made upon any person within or without the state by registered or certified mail, return receipt requested. Any person against whom the department issues an order or revocation may appeal it by filing a petition with the commission within thirty days. The appeal shall stay the enforcement of the order or revocation until final determination by the commission. The commission shall set appeals for a hearing at a time not less than thirty days after the date of the receipt of the petition. The commission may sustain, reverse or modify the department's order or revocation or may make such other orders as the commission deems appropriate under the circumstances. If any order or revocation issued by the department is not appealed within the time herein provided, the order or revocation becomes final and may be enforced as provided in section 16.

4. Licenses and permits issued hereunder may be suspended, revoked or modified if obtained in violation of this act or by misrepresentation or failing to fully disclose all

relevant facts, or when required to prevent violations of any provision of this act or any standard, rule or regulation, order or license or permit term or condition adopted or issued hereunder, or to protect the health of humans and other living organisms, when such action is required by a change in conditions or the existence of a condition which requires either a temporary or permanent change in the licensed or permitted hazardous waste management practices, subject to the right of appeal as set forth in section 13.

5. When the commission schedules a matter for hearing, the petitioner on appeal may appear at the hearing in person or by counsel, and may make oral argument, submit written brief, offer testimony and evidence and cross-examine witnesses.

6. After due consideration of the record, or upon default in appearance of the petitioner at any hearing of which he has been given notice by registered or certified mail the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances. It shall notify the petitioner or respondent thereof in writing by certified or registered mail.

Section 14. Appeals.—1. All final orders and determinations of the commission or the department made pursuant to the provisions of this act are subject to judicial review pursuant to the provisions of chapter 536, RSMo. All final orders and determinations shall be deemed "administrative decisions" as that term is defined in chapter 536, RSMo. No judicial review shall be available, however, unless all administrative remedies are exhausted.

2. In any suit filed pursuant to section 536.050, RSMo, concerning the validity of the commission's standards, rules or regulations, the court shall review the record made before the commission to determine the validity and reasonableness of such standards, rules or regulations and may hear such additional evidence as it deems necessary.

Section 15. Imminent hazard, action to be taken.—1. From the effective date of this act, and notwithstanding any other provision of this act or any other law to the contrary, upon receipt of information that any activity subject to this act may present an imminent hazard, by placing or allowing escape of any hazardous waste into the environment or exposure of people to such waste which may be cause of death, disabling personal injury, serious acute or chronic disease, or serious environmental harm, the department or the commission may take action necessary to protect the health of humans and other living organisms from such hazard. The action the department or commission may take includes, but is not limited to:

(1) Issuing an order directing the hazardous waste generator, transporter, facility operator or any other person who is the custodian or has control of the waste, which constitutes such hazard, to eliminate such hazard. Such action may include, with respect to a site or facility, permanent or temporary cessation of operation;

(2) Cause to be filed by the attorney general or a prosecuting attorney in the name of the people of the state of Missouri, suit for a temporary restraining order, temporary injunction or permanent injunction which action shall be given precedence over all other matters pending in the circuit courts.

2. In any civil action brought pursuant to this section in which a temporary restraining order or temporary injunction is sought, there must be allegations of the types of injury or harm specified in these imminent hazard provisions, it shall be necessary to allege and prove at the proceeding that irreparable damage will occur should the temporary restraining order or temporary injunction not be issued, and that the remedy at law is inadequate, and the temporary restraining order or temporary injunction shall not issue without such allegations and without such proof.

3. This section shall not apply to any alleged imminent hazard that is covered by the federal occupational safety and health act, so long as the hazardous waste is contained on the site so covered. This subsection shall not prevent the department from taking action necessary to prevent escape of the hazardous waste from such site.

Section 16. Violations, how punished.—1. It is unlawful for any person to

cause or permit any acts or hazardous waste management practices which violate this act or any standard, rule or regulation, order or license or permit term or condition adopted or issued hereunder. In the event the commission or the department determines that any provision of this act or any standard, rule or regulation, order or determination, or license or permit term or condition adopted or issued hereunder by the commission or the department, or any filing requirement under this act or any provision which this state is required to enforce under any federal hazardous waste management act, is being, was, or is in imminent danger of being violated, the commission or department may, in addition to other remedies under this act, cause to have instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. The commission or the department may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the hazardous waste is located or was located at the time the violation occurred, or has or may cause injury or threat to the health of humans or other living organisms.

2. Any person who permits or causes any hazardous waste transportation practice in violation of this act or any standard, rule or regulation, order or license term or condition adopted or issued hereunder or violates any provision of section 8 of this act or any standard, rule or regulation, order or license term or condition adopted or issued thereunder is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. In addition to the authority granted to it under chapter 43, RSMo, the Missouri state highway patrol, any of its officers, or any other law enforcement officer, in the event of such a violation committed in the presence of any of them or upon information provided to any of them by a reliable source, may detain any equipment involved in the violation and arrest the person controlling or operating such equipment. Any such officer shall also notify the department or the Missouri public service commission as soon as practicable, which shall, in addition, take whatever civil action they determine is necessary to correct or eliminate such violation or any threat to the health of humans or other living organisms. It shall be the duty of the Missouri state highway patrol as it pertains to highway use, and all other officers of the state of Missouri charged with enforcement of criminal law, to further the purposes of this act and to render and furnish to the department when requested all information and assistance in their possession and in their power.

3. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, manifest, or other document filed or required to be maintained under this act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or result therefrom required to be maintained under this act, is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not more than ten thousand dollars, or by confinement in the county jail for not more than six months, or by both such fine and confinement.

4. Any person who knowingly commits any violation set forth under subsections 1 and 2 of this section shall, upon conviction, be punished by a fine of not less than twenty-five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by confinement in the county jail for not more than one year, or by both such fine and confinement. Second and successive convictions for violation of the same provision hereunder by any person shall be punished by a fine of not less than five thousand dollars nor more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or by both such fine and imprisonment.

5. The liabilities which shall be imposed pursuant to any provision of this act upon persons violating the provisions of this act or any standard, rule or regulation, or license

or permit term or condition adopted or issued hereunder shall not be imposed for any violation caused by a strike or an act of God, war, riot or other catastrophe.

6. No provision of this act shall be construed to limit any action at law or in equity from being brought by any person or political subdivision aggrieved by any violation of this act nor shall any provision be construed to prohibit any person from exercising otherwise existing rights to suppress nuisances.

Section 17. Confidential information—illegal disclosure, penalty.—

1. Information obtained under this act or any rule or regulation, order or license or permit term or condition adopted or issued hereunder, or any investigation authorized thereby, shall be available to the public unless non-disclosure is requested in writing and such information constitutes trade secrets or information which is entitled to confidential treatment in order to protect any plan, process, tool, mechanism or compound which is known only to the person claiming confidential treatment and where confidential treatment is necessary to protect such person's trade, business or manufacturing process, where such non-disclosure will not result in an unreasonable threat to the health of humans or other living organisms and disclosure is not required under any federal hazardous waste management act. Any member of the commission or employee of the department or any former member of the commission or former employee of the department, for a period of two years after the termination of such relationship, who is convicted of willful disclosure or conspiracy to disclose trade secrets or information which is entitled to such confidential treatment to any person other than one entitled to the information under this act is guilty of a misdemeanor and, upon conviction, shall be punished by fine of not more than one thousand dollars.

2. No action, ordinance or law, with the exception of local option on location, of any county, city, town, village or other political subdivision of this state shall operate to prevent the location or operation of a hazardous waste facility or transporter holding a current hazardous waste facility permit or transporter license issued hereunder within its boundaries. Nothing in this subsection shall, however, prevent any such political subdivision from challenging a facility's or transporter's compliance with this act or any rule or regulation, order or permit or license term or condition adopted or issued hereunder. No hazardous waste disposal facility established after the effective date of this act shall be located within one-fourth mile of any permanent, occupied residential dwelling house completed prior to the receipt by the department of a permit application for such hazardous waste disposal facility without the written consent of the owner of such residential house.

Approved July 15, 1977.

[S. B. 1]

CONSERVATION, RESOURCES AND DEVELOPMENT: Director, Department of Natural Resources, and United States of America to exchange certain lands.

AN ACT authorizing the Director, Missouri Department of Natural Resources, and the United States of America to exchange certain lands.

SECTION

1. Exchange of lands by Department of Natural Resources and United States of America.
2. Deed conveyance to United States of America—description.

SECTION

3. Director, Department of Natural Resources to execute deed of easement—description.
4. Conveyance subject to Highway Right of Way.
5. Attorney General to approve instrument of conveyance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Exchange of lands by Department of Natural Resources and United States of America.—The Director, Missouri Department of Natural Resources, is hereby authorized and empowered to convey certain lands and rights in land hereinafter described to the United States of America and in exchange therefor the United States of America will convey 607.31 acres to the Director, Missouri Department of Natural Resources.

Section 2. Deed conveyance to United States of America—description.—The Director, Missouri Department of Natural Resources, shall execute the deed conveying to the United States of America the property described as follows:

A tract of land situated in the County of Monroe, State of Missouri, being part of block 2, south of Main Street, in the Original Town of Florida, section 3, township 54 north, range 8 west of the 5th principal meridian, and being more particularly described as follows:

Beginning at the intersection of the centerline of Walnut Street (60.0 feet wide) and the centerline of Water Street (60.0 feet wide) in the Original Town of Florida; thence Westwardly, along the centerline of Walnut Street (60.0 feet wide) to a point on the southwardly prolongation of the north and south centerline of block 2, south of Main Street in the Original Town of Florida; thence Northwardly, along the above mentioned north and south centerline to a point on the westwardly prolongation of the north line of lot 7, block 2, south of Main Street in the Original Town of Florida; thence Eastwardly, along the above mentioned north line of Lot 7, to a point on the centerline of Water Street (60.0 feet wide); thence Southwardly, to the point of beginning, containing 0.36 acre, more or less.

Also a tract of land situated in the county of Monroe, State of Missouri, being part of Sections 3, 4, 9, 10 and 16, township 54 north, range 8, west of the 5th principal meridian, and being more particularly described as follows, all bearings being referred to grid north unless otherwise indicated:

Beginning at a corner common to Sections 8, 9, 16 and 17; thence Northwardly, 2,820.0 feet along a line common to Sections 8 and 9; thence North $72^{\circ} 17' \frac{1}{2}$ East, 136.0 feet; thence North $06^{\circ} 54' \frac{1}{2}$ East, 265.9 feet; thence South $36^{\circ} 07'$ East, 274.8 feet; thence South $21^{\circ} 50' \frac{1}{2}$ West, 505.3 feet; thence South $43^{\circ} 44'$ East, 352.9 feet; thence North $50^{\circ} 34'$ East, 437.6 feet; thence South $12^{\circ} 39' \frac{1}{2}$ East, 282.9 feet; thence North $78^{\circ} 21' \frac{1}{2}$ East, 837.2 feet; thence North $23^{\circ} 14'$ West, 778.1 feet; thence South $50^{\circ} 32'$ East, 535.0 feet; thence North $89^{\circ} 23' \frac{1}{2}$ East, 378.0 feet; thence North $56^{\circ} 58' \frac{1}{2}$ East, 667.9 feet; thence South $89^{\circ} 05'$ West, 565.1 feet; thence North $35^{\circ} 13' \frac{1}{2}$ West, 724.7 feet; thence North $23^{\circ} 39'$ West, 747.8 feet; thence South $72^{\circ} 49'$ East, 318.2 feet; thence South $34^{\circ} 52' \frac{1}{2}$ East, 913.0 feet; thence North $77^{\circ} 16' \frac{1}{2}$ East, 254.2 feet; thence North $16^{\circ} 57' \frac{1}{2}$ East, 356.5 feet; thence South $57^{\circ} 18' \frac{1}{2}$ East, 603.6 feet; thence North $05^{\circ} 29'$ East, 544.5 feet; thence North $39^{\circ} 27'$ West, 679.9 feet; thence North $01^{\circ} 20'$ East, 557.2 feet; thence South $41^{\circ} 18'$ East, 1,478.8 feet; thence North $44^{\circ} 22'$ East, 321.8 feet; thence North $26^{\circ} 38' \frac{1}{2}$ West, 1,030.4 feet; thence North $72^{\circ} 34' \frac{1}{2}$ East, 197.0 feet; thence North $08^{\circ} 23'$ West, 356.8 feet; thence East, 167.0 feet; thence South $00^{\circ} 29' \frac{1}{2}$ East, 270.1 feet; thence South $47^{\circ} 07'$ East, 320.3 feet; thence South $16^{\circ} 06'$ East, 497.5 feet; thence North $47^{\circ} 09'$ East, 905.7 feet; thence North $34^{\circ} 27' \frac{1}{2}$ West, 618.6 feet; thence South $86^{\circ} 44' \frac{1}{2}$ East, 334.5 feet; thence North $21^{\circ} 49' \frac{1}{2}$ East, 465.4 feet; thence South $19^{\circ} 11' \frac{1}{2}$ East, 553.8 feet; thence North $50^{\circ} 17' \frac{1}{2}$ East, 973.6 feet; thence North $65^{\circ} 16'$ East, 349.0 feet; thence North $53^{\circ} 58' \frac{1}{2}$ West, 285.6 feet; thence North 260.0 feet; thence North $70^{\circ} 48' \frac{1}{2}$ West, 529.4 feet; thence South $43^{\circ} 05'$ West, 380.6 feet; thence North $59^{\circ} 42'$ West, 206.2 feet; thence North $29^{\circ} 47' \frac{1}{2}$ East, 285.8 feet; thence North $46^{\circ} 06'$ West, 773.0 feet; thence North $88^{\circ} 19'$ East, 341.2 feet; thence South $64^{\circ} 51' \frac{1}{2}$ East, to a point on a line common to Sections 3 and 4; thence Northeastwardly, to the southeast corner of the west 148.5 feet of the north 535.0 feet of the southwest quarter of Section 3; thence Eastwardly, to the southeast corner of the west 858.5 feet of the north 535.0 feet of the southwest quarter of Section 3; thence Southwardly, 245.0 feet along the east line of the above mentioned west 858.5 feet; thence East, to a point on the centerline of State Highway 107; thence Northwardly, along the above mentioned centerline to a point

on the north line of the southwest quarter of Section 3; thence Eastwardly, along the above mentioned north line to a point which is eastwardly, 835.6 feet from the intersection of the above mentioned north line and the center line of Front Street, said point being the southeast corner of the Rolla H. Wybrant property; thence on bearings referred to magnetic north South $38^{\circ} 00'$ east, 184.8 feet; thence South $36^{\circ} 15'$ east, 370.9 feet; thence South $16^{\circ} 20'$ east, 370.9 feet; thence South $50^{\circ} 35'$ east, 275.2 feet; thence South $21^{\circ} 39'$ east, 131.3 feet; thence South $05^{\circ} 01'$ west, 147.2 feet, to a point on the north bank of the south fork of Salt River; thence Southeastwardly, to a point on the east line of the west half of the southeast quarter of Section 3, which is northwardly 30.0 feet from the north bank of the south fork of Salt River; thence Southwardly, along the above mentioned east line to the middle of the Salt River; thence Southwestwardly, along the meander of the middle of the Salt River to a point on the east line of the southwest quarter of the southwest quarter of Section 3; thence Southwardly, to the southeast corner of the southwest quarter of the southwest quarter of Section 3; thence Westwardly, to a corner common to Section 3, 4, 9 and 10; thence Westwardly, along a line common to Sections 4 and 9 to the middle of the Salt River; thence Southwestwardly, along the meander of the middle of the Salt River to a point on the north line of the southeast quarter of the northeast quarter of Section 9; thence Westwardly, to the northeast corner of the southeast quarter of the northeast quarter of Section 9; thence Southwardly, to the southwest corner of the southeast quarter of the northeast quarter of Section 9; thence Eastwardly, along the south line of the northeast quarter of Section 9 to the middle of the Salt River; thence Southwardly, along the meander of the middle of Salt River to a point on the north line of the south 1700.0 feet of the southeast quarter of Section 9; thence on bearings referred to grid north, Eastwardly, to the northeast corner of the above mentioned south 1700.0 feet; thence Eastwardly, along the north line of the south 1700.0 feet of the southwest quarter of Section 10, to the centerline of Highway 107; thence Southwardly, along the above mentioned centerline to a point on the south line of Section 10; thence Westwardly to a section corner common to Sections 9, 10, 15 and 16; thence Northwardly, 1700.0 feet along the section line common to Sections 9 and 10; thence South $12^{\circ} 55\frac{1}{2}'$ West, 1361.5 feet; thence North $57^{\circ} 33'$ West, 218.1 feet; thence North $12^{\circ} 00'$ West, 1072.4 feet; thence South $26^{\circ} 44\frac{1}{2}'$ West, 1135.5 feet; thence South $46^{\circ} 40\frac{1}{2}'$ West, 507.2 feet; thence South $45^{\circ} 23\frac{1}{2}'$ East, 515.5 feet; thence South $20^{\circ} 29\frac{1}{2}'$ East, 634.1 feet; thence North $75^{\circ} 25\frac{1}{2}'$ West, 310.0 feet; thence North $21^{\circ} 16'$ West, 556.9 feet; thence South $70^{\circ} 43'$ West, 490.5 feet; thence North $02^{\circ} 40'$ East, 215.2 feet; thence South $78^{\circ} 21'$ West, 623.9 feet; thence South $12^{\circ} 16\frac{1}{2}'$ West, 710.2 feet; thence North $63^{\circ} 19\frac{1}{2}'$ West, 456.6 feet; thence North $05^{\circ} 35'$ East, 411.0 feet; thence South $89^{\circ} 33'$ West, 1142.0 feet; thence South $08^{\circ} 53'$ East, 343.1 feet; thence South $23^{\circ} 49\frac{1}{2}'$ West, 205.5 feet; thence North $55^{\circ} 38'$ West, 636.0 feet; thence North $08^{\circ} 18\frac{1}{2}'$ East, 228.4 feet; thence North $75^{\circ} 55'$ West, 271.2 feet; thence South $17^{\circ} 47\frac{1}{2}'$ West, 451.6 feet; thence North $40^{\circ} 34'$ West to a point on a line common to Section 16 and 17; thence Northwardly, to the point of beginning, containing 538.93 acres, more or less.

Excepting therefrom a tract of land containing 20.44 acres, more or less, and being more particularly described as follows, all bearings being referred to grid north:

Beginning at a point on the center line of State Highway 107, which bears north $17^{\circ} 58'$ West, 1174.2 feet from the southeast corner of the southwest quarter of the southwest quarter of Section 3; thence Northwardly, 555.7 feet along the center line of the above mentioned Highway; thence North $64^{\circ} 16'$ East, 368.5 feet; thence North $84^{\circ} 30'$ East, 428.0 feet; thence South $27^{\circ} 37\frac{1}{2}'$ East, 241.5 feet; thence North $62^{\circ} 53\frac{1}{2}'$ East, 237.0 feet; thence North $31^{\circ} 30\frac{1}{2}'$ West, 269.8 feet; thence North $58^{\circ} 45\frac{1}{2}'$ East, 532.2 feet; thence South $56^{\circ} 58\frac{1}{2}'$ East, 119.3 feet; thence South $24^{\circ} 18\frac{1}{2}'$ East, 238.1 feet; thence South 450.0 feet; thence South $81^{\circ} 55'$ West, 348.5 feet; thence North $33^{\circ} 41\frac{1}{2}'$ West, 32.5 feet; thence South $73^{\circ} 43\frac{1}{2}'$ West, 520.9 feet; thence North $61^{\circ} 00\frac{1}{2}'$ West, 84.6 feet; thence South $21^{\circ} 04\frac{1}{2}'$ West, 102.9 feet; thence South $72^{\circ} 44\frac{1}{2}'$ West, to the point of beginning.

Also excepting therefrom a tract of land containing 9.85 acres, more or less, and being more particularly described as follows, all bearings being referred to magnetic north:

Beginning at the intersection of the centerline of Mill Street (Highway 107) and the north line of the southwest quarter of Section 3; thence Eastwardly, 595.0 feet along the above mentioned north line; thence South $19^{\circ} 30'$ East, 313.5 feet; thence South $11^{\circ} 20'$ East, 165.0 feet; thence South $15^{\circ} 42'$ West, 75.9 feet; thence South $32^{\circ} 19'$ West, 110.2 feet; thence South $67^{\circ} 14'$ West, 194.0 feet; thence North $61^{\circ} 18'$ West, 55.4 feet; thence North $15^{\circ} 00'$ West, 83.8 feet; thence South $81^{\circ} 45'$ West, 224.4 feet; thence North $82^{\circ} 00'$ West, to a point on the centerline of State Highway 107 as now located; thence Northwardly, along the above mentioned centerline to the point of beginning.

Also a tract of land situated in the county of Monroe, State of Missouri, being part of section 16, township 54 north, range 8 west of the 5th principal meridian, and being more particularly described as follows, all bearings being referred to grid north:

Beginning at a point on a line common to Sections 16 and 17 which is southwardly, 980.0 from a corner common to Sections 8, 9, 16 and 17; thence North $85^{\circ} 58'$ East, 184.4 feet; thence South $54^{\circ} 22\frac{1}{2}'$ East, 295.3 feet; thence South $42^{\circ} 30\frac{1}{2}'$ East, 828.8 feet; thence South $18^{\circ} 03\frac{1}{2}'$ East, 913.0 feet; thence North $31^{\circ} 47'$ East, 751.8 feet; thence South $25^{\circ} 42'$ East, 267.5 feet; thence East, 245.0 feet; thence North $44^{\circ} 37'$ East, 736.1 feet; thence South $74^{\circ} 57'$ East, 342.8 feet; thence South $50^{\circ} 01'$ West, 921.4 feet; thence South $70^{\circ} 06\frac{1}{2}'$ West, 411.5 feet; thence South $14^{\circ} 33\frac{1}{2}'$ East, to a point on the north line of the south half of Section 16; thence Westwardly, to the northeast corner of the west half of the southwest quarter of Section 16; thence Southwardly, along the east line of the west half of the southwest quarter of Section 16 to a point on the center line of State Highway 154; thence Westwardly, along the above mentioned center line to a point on a line common to Sections 16 and 17; thence Northwardly, to the point of beginning, containing 107.72 acres, more or less.

Section 3. Director, Department of Natural Resources to execute deed of easement—description.—The Director, Missouri Department of Natural Resources, shall execute the deed conveying to the United States of America the perpetual right, power, privilege and easement to overflow, flood and submerge the property described as follows:

A tract of land situated in the County of Monroe, State of Missouri, being part of the south half of Section 3, township 54 north, range 8 west of the 5th principal meridian, and being more particularly described as follows, all bearings being referred to grid north:

Beginning at a point on the center line of State Highway 107 which bears north $17^{\circ} 58'$ west, 1,174.2 feet from the southeast corner of the southwest quarter of the southwest quarter of Section 3; thence Northwardly, 555.7 feet along the center line of the above mentioned Highway; thence North $64^{\circ} 16'$ east, 368.5 feet; thence North $84^{\circ} 30'$ east, 428.0 feet; thence South $27^{\circ} 37\frac{1}{2}'$ east, 241.5 feet; thence North $62^{\circ} 53\frac{1}{2}'$ east, 237.0 feet; thence North $31^{\circ} 30\frac{1}{2}'$ west, 269.8 feet; thence North $58^{\circ} 45\frac{1}{2}'$ east, 532.2 feet; thence South $56^{\circ} 58\frac{1}{2}'$ east, 119.3 feet; thence South $24^{\circ} 18\frac{1}{2}'$ east, 238.1 feet; thence South, 450.0 feet; thence South $81^{\circ} 55'$ west, 348.5 feet; thence North $33^{\circ} 41\frac{1}{2}'$ west, 32.5 feet; thence South $73^{\circ} 43\frac{1}{2}'$ west, 520.9 feet; thence North $61^{\circ} 00\frac{1}{2}'$ west, 84.6 feet; thence South $21^{\circ} 04\frac{1}{2}'$ west, 102.9 feet; thence South $72^{\circ} 44\frac{1}{2}'$ west, to the point of beginning, containing 20.44 acres, more or less.

Excepting therefrom a tract of land containing 4.51 acres, and being more particularly described as follows, all bearings being referred to grid north:

Beginning at a point which bears north $13^{\circ} 17'$ west, 1,223.6 feet from the southeast corner of the southwest quarter of the southwest quarter of Section 3; thence North $12^{\circ} 26\frac{1}{2}'$ west, 69.6 feet; thence North $62^{\circ} 46\frac{1}{2}'$ east, 310.4 feet; thence North $52^{\circ} 41'$ west, 306.8 feet; thence North $51^{\circ} 27'$ east, 239.1 feet; thence North $81^{\circ} 25\frac{1}{2}'$ east, 308.5 feet; thence South $76^{\circ} 47\frac{1}{2}'$ east, 100.7 feet; thence South $13^{\circ} 14\frac{1}{2}'$ east, 192.1 feet; thence South $63^{\circ} 53\frac{1}{2}'$ west, 111.4 feet; thence South $37^{\circ} 46'$ west, 179.6 feet; thence South $66^{\circ} 41\frac{1}{2}'$ west, to the point of beginning.

Also a tract of land situated in the County of Monroe, State of Missouri, being part of the northwest quarter of the southwest quarter of section 3, township 54, North, range 8

west of the 5th principal meridian, and being more particularly described as follows, all bearings being referred to grid north:

Beginning at the southeast corner of the west 858.5 feet of the north 780.0 feet of said northwest quarter of the southwest quarter of section 3; thence Northwardly 200.0 feet along the east line of the above mentioned west 858.5 feet; thence North 81° 45' East to the centerline of State Highway 107; thence Southwardly, along the above mentioned centerline to a point due East of the point of beginning; thence West, to the point of beginning, containing 1.34 acres, more or less.

Section 4. Conveyance subject to Highway Right of Way.—The conveyances shall be subject to any interest for Highway Right of Way.

Section 5. Attorney General to approve instrument of conveyance.—The attorney general shall approve the instrument of conveyance.

Approved May 3, 1977.

[S. B. 431]

AGRICULTURE AND ANIMALS: State Fair.

AN ACT to repeal section 262.260, RSMo 1969, relating to certain maximum fees for admission to the state fair and the uses thereof, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SECTION

1. Enacting clause.
262.260. Admission fee—disposition—state fair fees fund created.

SECTION

A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 262.260, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 262.260, to read as follows:

262.260. Admission fee—disposition—state fair fees fund created.—There shall be charged at the gates of the fair grounds an admission fee, not to exceed one dollar and fifty cents for adults and children over the age of six years and no fee shall be charged for children of the age of six years or younger for attending the state fair, and for vehicles and stock driven in the grounds such charges shall be regulated and fixed by the director of the department of agriculture. The fees shall be payable to and collected by the state director of revenue who shall deposit the same in the state treasury to the credit of a fund which is hereby created, to be known as "The State Fair Fees Fund". The money derived from these sources and the sale of privileges may be used in improving and beautifying the grounds, paying premiums and defraying ordinary running expenses of the state fair, including officers' salaries and the hire of assistants.

Section A. Emergency clause.—Because the Missouri state fair is facing serious financial problems because of inflation and because the normal effective date of this act will occur too late to allow any relief this year, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved July 6, 1977.

[H. R. 297]

AGRICULTURE AND ANIMALS: Eradiction and control of Johnson Grass.

AN ACT to repeal sections 263.262 and 263.267, RSMo 1969 relating to eradiction and

control of Johnson Grass and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
263.262. Johnson Grass declared nuisance,
where—abatement.

SECTION

263.267. County's classification as Johnson
Grass extermination area termi-
nated, how.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 263.262 and 263.267, RSMo 1969 are repealed and two new sections enacted in lieu thereof, to be known as sections 263.262 and 263.267, to read as follows:

263.262. Johnson Grass declared nuisance, where—abatement.—The existence or growth of Johnson grass in an electing county is hereby declared to be a public and common nuisance and the prosecuting attorney for each county shall have the duty to bring an action in the circuit court of the county to enjoin such nuisance. The action shall be in the name of the State of Missouri and shall be tried as a suit in equity before the court, and shall be against all persons permitting or maintaining such nuisance. The complaint in said action shall recite that thirty days' advance notice of the action has been served upon the defendants thereto, and that said defendants have taken no suitable action to comply with the provisions of the law prior to the filing of the complaint. Any land-owner whose land is adjacent to or within one hundred feet of land on which such nuisance is permitted or maintained and who is undertaking a Johnson grass control program, may bring a civil action for injunction against any person permitting or maintaining such nuisance and shall, in addition to injunctive relief, be entitled to recover as a penalty the sum of five hundred dollars as well as a reasonable attorney fee and any actual damages sustained as a result of such nuisance.

263.267. County's classification as Johnson Grass extermination area terminated, how.—Classification of a county as a Johnson grass extermination area shall be terminated by an order of the county court of such county and an election conducted in the manner and form prescribed for classifying such county as a Johnson grass extermination area. Elections covered under this section may not be presented to the qualified voters more often than once every two years.

Approved July 6, 1977.

[S. B. 330]

AGRICULTURE AND ANIMALS: Procedure for establishing commodity merchandising councils.

AN ACT to repeal section 275.330, RSMo Supp. 1975, relating to the procedure for establishing commodity merchandising councils and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

275.330. Procedure after petition received.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 275.330, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof to be known as Section 275.330, to read as follows:

275.330. Procedure after petition received.—1. When the director receives a petition for permission to establish a commodity merchandising council he shall:

- (1) Determine the legal sufficiency of the petition;
- (2) Establish a list of producers of such agricultural commodity or make any such existing list current;

(3) Hold a public hearing or hearings on the proposed program;

(4) Publish a notice to producers of the commodity to be affected advising them that:

(a) A petition has been filed with the director;

(b) The time and place or places of the public hearing or hearings;

(c) That a referendum may be held to establish a commodity merchandising council; and

(d) That to be eligible to vote in the referendum the producer must register.

The director shall give notice in not less than three publications devoted to agriculture and each of which has a statewide circulation of not less than seventy-five thousand, at least one month prior to the hearing. The fees for the publication of notice shall be advanced in cash to the director by the representative group and no publication of notice shall be paid for by state funds;

(5) Provide forms to enable producers to register, which forms shall include the producer's name, mailing address and the yearly average quantity of such commodity produced or handled by him in the three years preceding the date of the notice or in such lesser period as a producer has produced or handled the commodity in question;

(6) Approve the petition, in whole or as revised, or disapprove the petition depending upon the determinations made after public hearing;

(7) After approval of a petition, hold a referendum among producers of the commodity to determine whether or not the merchandising council is to be established.

2. The director shall determine the sufficiency of the petition within twenty-one days after it is submitted to him and shall publish notice of the public hearing and registration requirements giving at least ten days notice prior to public hearing and thirty days notice to register prior to the referendum.

3. If a majority of the votes cast are in favor of adoption, and if those producers voting in favor of adoption represent a majority of the production of all registered producers.

4. If the required percentage by number and by production of those voting is in favor of the adoption of the proposal in the petition, the director shall declare the proposal to be adopted.

5. A proposal to change the amount of the fee to be collected or to make other major changes may be made by a two-thirds vote of the council or by petition of twenty-five percent of the commodity producers. The proposal shall then be submitted to referendum under which the same percentages by number and production shall be required for approval as were required for establishment of the original merchandising program.

6. A proposal to terminate the commodity merchandising program may be made by a majority of the council or by petition of ten percent of the registered commodity producers. The proposed termination shall be submitted to referendum under which a simple majority of those voting shall be required for termination.

7. No referendum to set up a merchandising council in a particular commodity or to change the amount of fee or to take other major changes or to terminate a commodity merchandising council may be held within twelve months of a referendum conducted for a similar purpose for the same commodity.

Approved June 14, 1977.

[H. B. 167]

AGRICULTURE AND ANIMALS: Licensing and regulation of grain dealers.

AN ACT relating to the licensing and regulation of grain dealers, with penalty provisions, and a termination date for certain provisions.

SECTION

1. Definitions.
2. Director to license and supervise grain dealers—rules to expire, when—rulemaking authority expires November 30, 1981.
3. License required—qualification of applicant—information required on application.
4. Bond and financial statement required—amount of bond, how computed.
5. License, issued when, term of—renewal application, when due—late renewal, penalty for.
6. Fees.
7. License to be posted—vehicle registration required for each vehicle.

SECTION

8. Dealers to pay for grain, when.
9. Inspection rights of director.
10. Suspension or revocation of license, grounds for—hearing, procedure—claims to be filed against former licensee, when.
11. Violations a misdemeanor—injunction authorized.
12. Nonresident licensee to designate Secretary of State as agent for service.
13. Records maintained by department to be closed records—disclosed, when.
14. Exempted persons—use or consumption, defined.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Definitions.—As used in this act, unless the context otherwise requires:

- (1) "Department" means the Missouri department of agriculture;
- (2) "Director" means the director of the Missouri department of agriculture;
- (3) "Grain" means all grains for which the United States Grain Standards Act has established standards;
- (4) "Grain dealer" referred to in this act as "dealer" shall mean any person who is engaged in the business of buying grain for resale. Grain dealer shall not be construed to include a person owning a seat on a recognized commodity market or anyone licensed under the Grain Warehousing Act.
- (5) "Person" shall mean any individual, corporation, partnership or any other legal entity.

Section 2. Director to license and supervise grain dealers—rules to expire, when—rulemaking authority expires November 30, 1981.—1. The director shall exercise general supervision over the operations of a grain dealer. The supervisory and regulatory powers authorized by this act shall be the responsibility of the director. The director or his agent may inspect or cause to be inspected any dealer operating in this state and may require the filing of reports pertaining to the operation of his business.

2. The director shall adopt rules and regulations to provide for the efficient administration and regulation of the provisions of this act and may designate an employee of the Missouri department of agriculture to act for the director in any details connected with such administration, including the issuance of licenses and approval of grain dealer's bonds in the name of the director.

3. Any rule or regulation issued pursuant to subsection 2 of this section after the effective date of this act shall expire two years after promulgation thereof unless, prior to such date, both houses of the general assembly, by concurrent resolution approved by the governor, shall approve such rule or regulation.

4. All authority to promulgate rules and regulations under subsection 2 of this section shall terminate November 30, 1981.

Section 3. License required—qualification of applicant—information required on application.—No person shall engage in the business as a grain dealer in this state without having obtained a license issued by the Missouri department of agriculture. Each application for a license to engage in business as a dealer shall be filed with the Missouri department of agriculture and shall be in a form prescribed by the director. The application shall include the name of the applicant, its principal officers if the applicant is a corporation or the active members of a partnership if the applicant is a partnership and the location of the principal office and place of business of the

applicant. A separate license shall be required for each location in which the records are normally kept for transactions of the dealer. The application shall also list the number of trucks or tractor-trailer units to be used in transporting grain purchased for resale or transported into this state for resale. The application shall be accompanied by a complete financial statement of the applicant setting forth the assets, liabilities and net worth of the applicant. In order to receive a license the net worth of an applicant must exceed ten thousand dollars. A deficiency in net worth as required may be substituted by a corresponding increase in bond. The director may require additional information or verification and may request a verified audit if deemed necessary with respect to the financial resources of the applicant and the applicant's ability to pay producers for grain purchased from them.

Section 4. Bond and Financial statement required—amount of bond, how computed.—Any person applying for a license to operate as a dealer in accordance with this Act shall file a statement evidencing sufficient financial ability to meet standards as prescribed in this Act. This evidence shall be the submission of a notarized financial statement, or in lieu thereof, the filing of a bond with the Director. This bond shall be payable to the State of Missouri and executed by the dealer as principal. This bond shall be with a corporate surety licensed to do business in this state as a surety. The financial statement shall show a net worth equivalent to, or a bond in lieu thereof providing an amount equivalent to an amount based upon the total volume of grain purchases by the dealer during the four individual days in the previous business (calendar) year in which the dealer purchased the greatest quantity of grain. The value for a given dealer shall be determined by fixing a rate of 80¢ per bushel to the four day volume. Dealers entering the business for the first year shall be required to provide financial evidence or a bond in an amount to be determined by the Director. The aggregate liability of the surety to such person shall in no event exceed the sum of the bond. One bond, cumulative as to minimum requirements, shall be required where a person has multiple licenses but in no event shall the total amount of bond exceed one hundred fifty thousand dollars. No bond shall be canceled by a surety unless at least sixty days notice shall be given by certified mail to the director and the dealer. The liability of the surety shall cover all purchases of grain made by the dealer during the time the bond is in force. A dealer's bond filed with the director shall be in continuous force until canceled by the surety. The liability of the surety on any bond required by the provisions of this act shall not accumulate for each successive license period during which the bond is in force.

Section 5. License, issued when, term of—renewal application, when due—late renewal, penalty for.—Upon filing of the application and compliance with the terms and conditions of this act and rules of the Missouri department of agriculture, the director shall issue a license to the applicant. The license shall terminate one year from date of issuance unless the director determines that some licenses need to be issued for periods longer than one year but not more than two years for equitable distribution of licenses throughout the year. A dealer's license may be renewed annually by the filing of a renewal application on a form prescribed by the director accompanied by a current financial statement and the renewal fee. The application for renewal and financial statement shall be received by the director thirty days before the date of expiration of his current license. The dealer shall be penalized three dollars per day for tardiness.

Section 6. Fees.—1. The director shall collect fees as follows:

- (1) For the issuance of a license, seventy-five dollars per year.
- (2) For renewal of license, seventy-five dollars per year.
- (3) An annual registration fee, to be determined by the director, of not less than five dollars nor more than ten dollars for each vehicle used by the license holder in the transportation of grain;
- (4) A fee of one dollar will be charged for each duplicate identification to be used on any motor vehicle;

(5) All fees collected by the director under this act shall be deposited in the general revenue fund of the state.

2. The cost of administration of the provisions of this act shall not exceed the total of fees collected pursuant to Section 6.

Section 7. License to be posted—vehicle registration required for each vehicle.—The dealer's license shall be conspicuously posted in the place of business. Each vehicle used by a license holder shall be equipped with a special decal or other registration identification as prescribed by the director. A dealer's license is not transferable. The registration shall not be transferred from one vehicle to another, except in case of destruction or other disposition of the vehicle previously bearing the identification. All transfers must first be approved by the director. If a registration for a vehicle becomes defaced or destroyed, a duplicate may be obtained from the director upon request and payment of the fee.

Section 8. Dealers to pay for grain, when.—A person licensed as a dealer shall make payment of the purchase price to the owner or his agent for grain upon delivery or demand of the owner or his agent.

Section 9. Inspection rights of director.—The director or his agent may inspect, at any reasonable time, the premises used by any dealer in the conduct of his business. Books, accounts, records and papers of every such dealer shall, during ordinary business hours, be subject to inspection by the director or his agent. The transporter of grain in transit shall have in his possession bills of lading or other documents covering such commodities in transit and such documents shall be available for inspection by the director or his agent upon request. Any dealer licensed in this state who does not have a place of business within the state shall make available and furnish to the director or his agent upon request all such books, accounts, records and papers of grain transactions within this state at any reasonable time and place that the director may designate.

Section 10. Suspension or revocation of license, grounds for—hearing, procedure—claims to be filed against former licensee, when.—The director may after hearing or upon complaint filed by any person, suspend or revoke the license of any person licensed under this act for the violation of or failure to comply with the provisions of this act or any rule or regulation adopted under this act. Any information or a verified complaint stating the grounds for suspension or revocation shall be filed with the director in triplicate. The director shall notify the licensee of the complaint and furnish him with a copy of the information or the complaint and a copy of the order of the director fixing a time for a hearing, which time shall be at least five days from the date of notification. If the director determines that the public good requires immediate action, the director may, upon the filing of the information or the complaint and without hearing, temporarily suspend a license pending the determination of the complaint. Any person aggrieved by the decision of the director may appeal the decision within thirty days following the filing of the decision of the director. The director shall, upon service of notice of appeal, certify the complete record of the proceedings before it to the administrative hearing examiner or to the clerk of the circuit court, if the ruling of the administrative hearing examiner is appealed.

2. The director may revoke a dealer's license upon information without hearing if a dealer fails to have a notarized financial statement or a sufficient bond on file with the Missouri department of agriculture, or if a dealer fails to submit to inspection.

3. Upon revocation of a license, any claim of a creditor shall be filed against the former licensee within one hundred twenty days after the date of revocation.

Section 11. Violations a misdemeanor—injunction authorized.—Any person who engages in business as a dealer without obtaining a license or any person in violation of any other provision of this act, or any dealer who refuses to permit inspection of his premises, books, accounts or records as provided in this act, shall be

guilty of a misdemeanor and, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred, or by imprisonment in the county jail for not more than six months or by such fine and imprisonment for each offense. Any person violating the provisions of this act may be restrained by temporary or permanent injunction.

Section 12. Nonresident licensee to designate Secretary of State as agent for service.—Any nonresident applying for any license under this act to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.

Section 13. Records maintained by department to be closed records—disclosed, when.—All records maintained by the department of agriculture under the provisions of this act are closed records and shall be maintained as confidential by the department. No record shall be disclosed or released by the department except to the administrative hearing examiner or pursuant to a valid court order. All records shall be maintained by the department for a period of five years.

Section 14. Exempted persons—use or consumption, defined.—1. The provisions of this act shall not apply to any person, firm or corporation licensed and bonded under the provisions of a state or federal warehousing law.

2. The provisions of this act shall not apply to any person purchasing grain for his own use or consumption; but the words "use or consumption" as used in this subsection shall not be construed to mean or include the sale of grain in its natural or processed state at retail or at wholesale.

Approved July 28, 1977.

[H. C. S. H. B. 248]

AGRICULTURE AND ANIMALS: Regulation of persons buying, selling and assembling livestock for resale.

AN ACT relating to the regulation of persons buying, selling and assembling livestock for resale, and the powers of the state veterinarian in relation thereto, with penalty provisions.

SECTION

1. Short title.
2. Definitions.
3. Dealer to keep records, contents of.
4. Records to state veterinarian, when.
5. Director granted subpoena power—venue, where.

SECTION

6. Violations a misdemeanor, how punished.
7. Length of time dealer must retain records.
8. Rules issued under sections 276.600 to 276.635 expire, when, exception—rulemaking power expires November 30, 1981.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Short title.—This act shall be known, and may be cited, as the "Missouri Livestock Dealer Law".

Section 2. Definitions.—Unless the context requires otherwise, as used in this act, the following terms mean:

(1) "Director" or "director of agriculture", the director of the Missouri department of agriculture;

(2) "Livestock", cattle, swine, sheep, goats, horses and poultry;

(3) "Livestock dealer", any person, not a market agency, engaged in the business of buying or selling in commerce livestock, either on his own account or as the employee or agent of the vendor or purchaser;

(4) "Person", any individual, partnership, corporation, association or other legal entity;

(5) "State veterinarian", the state veterinarian of the Missouri department of agriculture, or his appointed agent.

(6) "Engaged in the business of buying or selling in commerce livestock", sales and purchases of greater frequency than the person would make in feeding operation under the normal operation of a farm, if the person is a farmer. If the person is not a farmer he is a dealer engaged in the business of buying or selling in commerce livestock.

Section 3. Dealer to keep records, contents of.—Every livestock dealer shall make and retain written livestock sales records in the form and manner prescribed by the state veterinarian. Livestock sales records may include the identification numbers or letters, sex, breed, brand and approximate weight of all livestock raised, bought, sold, received, exchanged or otherwise transferred by such person, and the names and addresses of all owners, sellers, consignors or buyers with whom he has in any manner exchanged livestock, with accompanying dates of such exchanges.

Section 4. Records to state veterinarian, when.—1. If the state veterinarian has reasonable cause to believe any livestock in this state are diseased in such a manner as to constitute a health hazard to other livestock, wherever located, he may request in writing the livestock sales records of any livestock dealer in this state for the purpose of tracing or discovering the diseased livestock, the source of the disease and all other livestock which may be affected by the disease. A livestock dealer shall have twenty-four hours to comply with such a request.

2. The state veterinarian may inspect, acquire and use such records only for the detection and eradication of disease and for no other purpose.

Section 5. Director granted subpoena power—venue, where.—If any livestock dealer fails or refuses to comply with the provisions of section 4, the director of agriculture may subpoena such person and all livestock sales records in his possession. Upon refusal of any person to comply with any such subpoena, the director may petition the circuit court having venue for an order enforcing such subpoena. Upon failure of any person to obey a court order enforcing the director's subpoena, the court issuing such order shall find that person in contempt and punish him as provided by law. For purposes of this section venue shall be in the circuit court of any county in which the livestock dealer regularly maintains any livestock.

Section 6. Violations a misdemeanor, how punished.—Any person violating the provisions of section 3 or subsection 1 of section 4 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty dollars or by confinement in the county jail for not less than ten days or by both such fine and confinement.

Section 7. Length of time dealer must retain records.—The director of agriculture may prescribe by regulation the length of time which livestock sales records shall be retained, not to exceed three years.

Section 8. Rules issued under sections 276.600 to 276.635 expire, when, exception—rulemaking power expires November 30, 1981.—Any rule or regulation issued pursuant to this act after the effective date of this act shall expire two years after promulgation thereof unless, prior to such date, both houses of the

general assembly, by concurrent resolution approved by the governor, shall approve such rule or regulation. All authority to promulgate rules and regulations under this act shall terminate November 30, 1981.

Approved July 29, 1977.

[H. B. 457]

AGRICULTURE AND ANIMALS: Governing of soil and water conservation subdistricts.

AN ACT to repeal sections 278.220, 278.240, 278.245, and 278.250, RSMo 1969, and section 278.280, RSMo Supp. 1975, relating to the governing of soil and water conservation subdistricts, and to enact in lieu thereof five new sections relating to the same subject.

SECTION

1. Enacting clause.
- 278.220. Subdistrict located in more than one district, procedure—certificate recorded, where.
- 278.240. District board of supervisors to govern subdistrict, combined boards to govern, when—trustees of subdistrict how elected, terms—powers of directors—mileage reimbursement authorized.

SECTION

- 278.245. Condemnation authorized, when—other powers of governing body or trustees—taxation authorized.
- 278.250. Organization tax—annual tax for subdistrict—limitation—levy, collection, lien, enforcement.
- 278.280. Projects, how financed—special assessment appraisers, duties, compensation—assessment resolution, hearings—election by owners—bonds—general levy.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 278.220, 278.240, 278.245 and 278.250, RSMo 1969, and section 278.280, RSMo Supp. 1975 are repealed and five new sections enacted in lieu thereof, to be known as section 278.220, 278.240, 278.245, 278.250 and 278.280, to read as follows:

278.220. Subdistrict located in more than one district, procedure—certificate recorded, where.—1. If the proposed subdistrict lies in more than one soil and water conservation district, the petition may be presented to the board of soil and water district supervisors of any one of the districts, and the soil and water supervisors of all the districts shall act jointly as a board of soil and water district supervisors with respect to all matters concerning the subdistrict, including its formation. They shall organize as a single board for such purposes and shall designate the chairman, vice chairman, and secretary-treasurer to serve for terms of one year. After organizing, they may continue to meet as a single board for purposes of governing the subdistrict or they may meet as individual county boards and act, individually, on the minutes of meetings of the trustees of the subdistrict, as specified in section 278.240. A subdistrict which lies in more than one soil and water conservation district shall be formed in the same manner and shall have the same powers and duties as a subdistrict formed in one soil and water conservation district.

2. Following the entry in the official minutes of the board or boards of soil and water district supervisors of the creation of the subdistrict, the soil and water supervisors shall certify this fact on a separate form, authentic copies of which shall be recorded with the recorder of deeds of each county in which any portion of the subdistrict lies, and with the state soil and water districts commission.

278.240. District board of supervisors to govern subdistrict, combined boards to govern, when—trustees of subdistrict how elected, terms—powers of directors—mileage reimbursement authorized.—1. The board of soil and water

conservation district supervisors of soil and water conservation district in which the subdistrict is formed shall be the governing body of the subdistrict. When a subdistrict lies in more than one soil and water conservation district, the combined boards of soil and water conservation district supervisors shall be the governing body.

2. Five persons living within the subdistrict shall be elected to serve as trustees of the subdistrict. The trustees shall be elected by a majority vote of all landowners participating in the referendum for the establishment of the subdistrict, but the date of the election shall not fall upon the date of any regular political election held in the county. The ballot submitting the proposition to form the subdistrict shall be so worded as to clearly state that a tax, not to exceed forty cents on one hundred dollars valuation of all real estate within the subdistrict, will be authorized if the subdistrict is formed. In subdistricts formed after the effective date of this act two trustees shall be elected for a term of six years, two shall be elected for a term of four years, and one shall be elected for a term of two years. Their successors shall be elected for terms of six years. In any district in existence on the effective date of this act, the three trustees holding office shall continue as trustees. At the next scheduled election within the subdistrict, two additional trustees shall be elected. One of the additional trustees shall be elected for a term of four years and one shall be elected for a term of six years. Each successor shall be elected for a term of six years. The trustees shall elect one of their members as chairman and one of their members as secretary to serve for terms of two years. If the governing board so designates the trustees may act in all matters pertaining to the subdistrict, except those concerning formation, consolidation, expansion or disestablishment of the subdistrict. All official actions taken by the trustees, however, shall be subject to the ratification of a majority of the governing boards of the individual soil and water conservation districts from which the subdistrict was formed. No actions taken by the trustees shall become effective until ratification of a majority of the governing boards has taken place. At the next regular meeting following any meeting of the trustees, each governing board may place on their agenda for approval or disapproval the actions taken by the trustees. Failure to take action by any board shall be construed as disapproval of all actions taken by the trustees. It shall be the responsibility of the secretary of the trustees to see that each governing board has a copy of the minutes of each meeting held by the trustees at least two days prior to the next regular meetings of these boards. If the governing board shall decide to continue meeting as a single board for purposes of governing the subdistrict, the trustees shall serve as an advisory body only. The trustees shall be reimbursed for mileage expense incurred in the attendance of meetings of the governing body of the subdistrict and shall also be reimbursed for mileage expense incurred in the attendance of meetings of their own members. One trustee per meeting may be reimbursed for mileage expense incurred in the attendance of meetings of the governing boards of the individual soil and water conservation districts from which the subdistrict was formed.

278.245. Condemnation authorized, when—other powers of governing body or trustees—taxation authorized.—The governing body of the subdistrict or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall have, in addition to other authority granted in other sections of this law, the following authority in governing subdistricts:

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings in the manner provided in chapter 523, RSMo, such lands, easements, or rights-of-way as are needed to carry out any authorized purpose of the subdistrict; provided that notwithstanding any provision of law to the contrary, the power of eminent domain shall not be exercised over the protest of any landowner until it is established that acquisition of the land proposed to be condemned is necessary for the purposes of the subdistrict; and to sell, lease or otherwise dispose of any of its property or interest therein in furtherance of the purposes and provisions of sections 278.160 to 278.300;

(2) To construct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary for the performance of any of the operations authorized by sections 278.160 to 278.300;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses or for carrying out any authorized purpose of such subdistrict, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of such subdistrict as may be required by the lender as security for the repayment of the loan; and to issue, negotiate, and sell its bonds as provided in section 278.280;

(4) To levy an annual tax and organization tax on the real property within the subdistrict subject to the limitations provided in section 278.250 for payment of the costs for carrying out any authorized purpose of such subdistrict;

(5) To make assessments on the real property within the subdistrict for special benefits to such real property accruing as a result of the construction of any works of improvement by the subdistrict.

278.250. Organization tax—annual tax for subdistrict—limitation—levy, collection, lien, enforcement.—1. In order to facilitate the preliminary work of the subdistrict the governing body of the subdistrict or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, may levy an organization tax of not to exceed forty cents per one hundred dollars of assessed valuation of all real estate within the subdistrict, the proceeds of which may be used for organization and administration expenses of the subdistrict, the acquisition of real and personal property, including easements for rights-of-way, necessary to carry out the purposes of the subdistrict. This levy may be made one time only. The organization tax may be imposed as provided for in subsections 4 and 5.

2. After the governing body or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, have obtained agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than sixty-five percent of the lands situated in the subdistrict, an annual tax may be imposed for construction, repair, alteration, maintenance and operation of the present and future works of improvement within the boundaries of the subdistrict in order to participate in funds from federal sources appropriated for watershed protection and flood prevention. The annual tax may be imposed as provided for in subsections 4 and 5.

3. Within the first quarter of each calendar year, the trustees for the subdistrict shall prepare an itemized budget of the funds needed for administration of the subdistrict and for construction, operation and maintenance of works of improvement for the ensuing fiscal year. The budget shall be subject to the approval of the governing body of the subdistrict as provided in section 278.240.

4. The governing body or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall make the necessary levy on the assessed valuation of all real estate within the boundaries of the subdistrict to raise the needed amounts, but in no event shall the levy exceed forty cents on each one hundred dollars of assessed valuation per annum and, on or before the first day of September of each year, shall certify the rate of levy to the county court of the county or counties within which the subdistrict is located with directions that at the time and in the same manner required by law for the levy of taxes for county purposes the county court shall levy a tax at the rate so fixed and determined upon the assessed valuation of all real estate within the subdistrict, in addition to such other taxes as are levied by the county court.

5. The body having authority to levy taxes within the county shall levy the taxes provided in this law, and all officials charged with the duty of collecting taxes shall collect the taxes at the time and in the form and manner and with like interest and

penalties as other taxes are collected; computation shall be made on the regular tax bills, and when collected shall pay the same to the subdistrict ordering its levy and collection or entitled to the same, and the payment of such collections shall be made monthly to the treasurer of the subdistrict. The proceeds shall be kept in a separate account by the treasurer of the subdistrict and identified by the official name of the subdistrict in which the levy was made. Expenditures from the fund shall be made on requisition of the chairman and secretary of the governing body or the subdistrict or, alternately, on requisition of the chairman of the governing body of the subdistrict and the chairman of the trustees of the subdistrict.

6. All taxes levied under this law, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a perpetual lien on and against the property taxed, and such lien shall be on a parity with the tax lien of general taxes, and no sale of such property to enforce any general tax or other lien shall extinguish the perpetual lien of subdistrict taxes.

7. If the taxes levied are not paid as provided in this section, then the delinquent real property shall be sold at the regular tax sale for the payment of the taxes, interest and penalties, in the manner provided by the statutes of the state of Missouri for selling property for the nonpayment of general taxes. If there are no bids at the tax sale for the property so offered, the property shall be struck off to the county or other agency provided by law, and the county or agency shall account to the district in the same manner as provided by law for accounting for school, town, and city taxes.

278.280. Projects, how financed—special assessment appraisers, duties, compensation—assessment resolution, hearings—election by owners—bonds—general levy.—1. When a plan of work is approved the governing body or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall then by resolution propose that the cost of all works of improvement contemplated in the plan be paid either by a general levy against all real estate in the subdistrict, subject to the limitations of section 278.250, or that such cost be paid by special assessment against lands within the subdistrict to be benefited by the installation of the proposed works of improvement, or that such cost be paid by both such general levy and special assessment stating the portion to be paid by each method.

2. If the resolution of financing provides that all or any part of the cost of the works of improvement is to be paid by special assessment of benefits the governing body or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall appoint three appraisers, who shall be freeholders residing in the state of Missouri, and who shall not be landowners in said subdistrict, who shall recommend apportionment of the special assessment to the tracts of land which will receive benefits from the installation of the works of improvement proposed in the plan of work. The appraisers shall have access to all available engineering reports and data pertaining to the works contemplated and may request additional legal counsel or engineering data from a registered professional engineer as found necessary to carry out their duties.

3. The appraisers shall proceed to view the premises and determine the value of all land or other property within or without the subdistrict, to be acquired and used for rights-of-way or other works set out in the plan of work; they shall assess the amount of benefits, and the amount of damage if any, that will accrue to each governmental lot, forty-acre tract or other subdivision of land according to ownership, railroad and other rights-of-way, railroad roadways, and other property from carrying out and putting into effect the plan of work heretofore adopted, and shall make written reports of their findings to the governing board of the subdistrict. Each appraiser so appointed shall be paid fifteen dollars per day for his services and necessary expenses in addition thereto.

4. Upon receiving the report from the appraisers, the governing body or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall prepare a resolution which shall contain a list of the

tracts of land found to be benefited and the amount of assessment to be levied against each such tract; provided, however, that no such assessment against any tract of land shall exceed the estimated benefits to such land by such project. Such tracts of land shall be legally described and the names of the owners thereof shall be set forth beside the description of each tract so listed. After adopting such resolution the governing body or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall fix a time and place for hearing any complaint that may be made as to the benefit to any tract of land appraised as aforesaid, notice of which hearing shall be given by the secretary by publication as in section 278.190. The board at said hearing may alter the benefits to any tract if, in its judgment, the same has been appraised to high or too low. The hearing shall be conducted in the manner set forth in section 278.200. The governing body or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall immediately after the hearing pass a resolution fixing the benefit assessment as to each tract of land.

5. After the resolution fixing the benefit assessment has been adopted the governing body or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall submit the proposal for collection of such assessed benefits to the owners of the lands so assessed for approval and if bonds are to be issued the amount of the issue so proposed, the rate of interest, and the amount of any necessary tax levy in excess of the amount authorized in section 278.250. If two-thirds of the owners of such lands voting favor the proposal as submitted, it shall be adopted. The provisions of section 278.190 to 278.210 as to notice and procedure shall apply to the referendum held under this section.

6. The governing body or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall make the necessary general levy against all real estate in the subdistrict and the special assessment against lands within the subdistrict to be benefited by the improvement and shall certify the rate of levy and the amount of the special assessment to the county court of the county or counties in which the subdistrict is located with directions that at the time and in the same manner required by law for the levy of taxes for county purposes the county court shall levy a tax at the rate so fixed and determined upon the assessed valuation of all real estate within the subdistrict and shall levy the amount of the special assessment, in addition to such other taxes as are levied by the county court.

7. The bond issue, authorized by this section in whole or part, may be offered for sale to the Farmers Home Administration or other federal agency without public offering or the securing of competitive bids on such bond offering.

Approved June 8, 1977.

[H. B. 666]

AGRICULTURE AND ANIMALS: Pesticides.

AN ACT to repeal sections 281.010, 281.020, 281.025, 281.030, 281.035, 281.040, 281.045, 281.050, 281.055, 281.060, 281.065, 281.070, 281.080, 281.090, 281.100 and 281.105, RSMo Supp. 1975, relating to pesticides, and to enact in lieu thereof nineteen new sections relating to the same subject.

SECTION

1. Enacting clause.
- 281.010. Short title.
- 281.020. Definitions.
- 281.025. Director may issue regulations—notice, how given—list of restricted use pesticides, adoption of—public hearings, when.

SECTION

- 281.030. Classification of licenses, how made—rules to expire, when—rulemaking authority under sections 281.010, 281.020 to 281.075 and sections 281.100 and 281.105 expire November 30, 1981.

SECTION

- 281.035. Certified commercial applicator's license required when, annual fee—application for license, how made—examinations—records to be kept—incapacity of sole certified applicator, effect of.
- 281.037. Certified noncommercial applicator's license, when required—application for certified noncommercial applicator's license, examination, fee—scope of license—records to be kept.
- 281.040. Private applicator's license, qualifications for, duration, renewal—emergency use of restricted pesticides, when authorized.
- 281.045. Certified public operator license—liability of governmental agencies—records to be kept.
- 281.050. Pesticide dealer's license required—fee—qualifications—grounds for suspension or revocation—records to be kept—change of address, notification of.

SECTION

- 281.055. Late renewal of license, penalty, reexamination, when—director to provide guideline book, fee for book.
- 281.060. Revocation, suspension or modification of license, when.
- 281.061. Inspection with consent of owner of premises—search warrant to issue, when—director may bring action to enjoin, when.
- 281.063. Director may subpoena witnesses and documents, when.
- 281.065. Bond or insurance required—deductible clause accepted, when—new surety, when—liability, effect of act on.
- 281.070. Damage claims to be filed with director, when due—duties of director—failure to file, effect of.
- 281.075. Reciprocal licensing authorized—agent to be designated by non-residents.
- 281.080. Exemptions.
- 281.090. Stop orders, when—effect of.
- 281.100. Instructional courses, how conducted.
- 281.105. Violations a misdemeanor.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 281.010, 281.020, 281.025, 281.030, 281.035, 281.040, 281.045, 281.050, 281.055, 281.060, 281.065, 281.070, 281.080, 281.090, 281.100 and 281.105, RSMo Supp. 1975 are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 281.010, 281.020, 281.025, 281.030, 281.035, 281.037, 281.040, 281.045, 281.050, 281.055, 281.060, 281.061, 281.063, 281.065, 281.070, 281.080, 281.090, 281.100 and 281.105, to read as follows:

281.010. Short title.—Sections 281.010 to 281.115 shall be known as the "Missouri Pesticide Use Act".

281.020. Definitions.—As used in sections 281.010 to 281.115, unless the context clearly requires otherwise, the following terms mean:

(1) "Animal", all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(2) "Applicator or operator":

(a) "Certified commercial applicator", any individual, whether or not he is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide, whether classified for restricted use or for general use, while he is engaged in the business of applying pesticides as a direct service to the public in exchange for a fee or compensation;

(b) "Certified noncommercial applicator", any individual, whether or not he is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by him or his employer;

(c) "Certified private applicator", any individual who is certified by the director as authorized to use, or to supervise the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or on the property of another person, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person;

(d) "Certified public operator", any individual who is certified by the director as

authorized to use, or to supervise the use of, any pesticide classified for restricted use in the performance of his duties as an official or employee of any agency of the state of Missouri or any political subdivision thereof, or any other governmental agency;

(e) "Private applicator", any person not holding a certified private applicator's license who shall be required to obtain a permit for the use of any restricted use pesticide for the purposes of producing any agricultural commodity on property owned or rented by him or his employer or on the property of another person, if applied without compensation other than trading of personal services between producers of agricultural commodities;

(3) "Beneficial insects", those insects which, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

(4) "Defoliant", any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;

(5) "Desiccant", any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

(6) "Device", any instrument or contrivance, other than a firearm, which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, virus, or other micro-organism on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;

(7) "Environment", includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these;

(8) "Equipment", means any type of ground, water or aerial equipment or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;

(9) "Fungus", any nonchlorophyll-bearing thallophyte, that is, any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, as for example, rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;

(10) "Individual", any responsible, natural human being;

(11) "Insect", any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes, and wood lice;

(12) "Land", all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;

(13) "Misuse of a pesticide", a use of any registered pesticide in a manner inconsistent with its labeling;

(14) "Nematode", invertebrate animals of the phylum Nematelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

(15) "Person", any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;

(16) "Pest";

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacteria,

or other micro-organism, except viruses, bacteria, or other micro-organisms on or in living man or other living animals, which is normally considered to be a pest;

(17) "Pesticide";

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

(18) "Pesticide dealer", any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;

(19) "Plant" regulator", any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The term "plant regulator" does not include any of those nutrient mixtures or soil amendments which are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health and propagation of plants, and which are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;

(20) "Private applicator permit", a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator;

(21) "Restricted use pesticide", any pesticide when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;

(22) "Sale", selling or offering for sale any pesticide;

(23) "Snails or slugs", includes all harmful mollusks;

(24) "Unreasonable adverse effects on the environment", any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

(25) "Under the direct supervision of a certified applicator", when a pesticide is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied;

(26) "Use", mixing, applying, storing or disposing of a pesticide;

(27) "Weed", any plant which grows where not wanted; and

(28) "Wildlife", all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. Director may issue regulations—notice, how given—list of restricted use pesticides, adoption of—public hearings, when.—The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, RSMo, to carry out the provisions of sections 281.010 to 281.115. Such regulations may prescribe methods to be used in the application of pesticides. Where the director finds that such regulations are necessary to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to the time, place, manner, methods, materials, and amounts and concentrations, in connection with the application of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors which the director

deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if he finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. The director may, by regulation, provide for the emergency purchase of a restricted use pesticide by a noncertified private applicator.

2. The list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, will be so restricted in the state of Missouri. The director shall publish, at least annually, a list of agricultural pesticides which have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when applied in accordance with its directions for use, warnings and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons, the pesticide shall be applied only by or under the direct supervision of a certified applicator, or a private applicator with a permit. Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days' prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

281.030. Classification of licenses, how made—rules to expire, when—rulemaking authority under sections 281.010, 281.020 to 281.075 and sections 281.100 and 281.105 expire November 30, 1981.—1. The director may by regulation, classify certified applicator or operator licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators or public operators. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements, provided, that no individual shall be required to pay an additional fee if he is certified in one or all of the certification categories provided under the license for which he has applied. The director may, by regulation establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. Any rule promulgated pursuant to this chapter shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire November 30, 1981.

281.035. Certified commercial applicator's license required when, annual fee—application for license, how made—examinations—records to be kept—incapacity of sole certified applicator, effect of.—1. No individual shall engage in the business of applying pesticides to the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not apply or supervise the application of any pesticide for any purpose unless he has demonstrated his competence to apply pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of twenty-five dollars for each certified commercial applicator's license issued. Any employee of any person engaged in the business of applying pesticides to the lands of another at any time, such employee not being licensed as a certified commercial applicator, may apply pesticides only under the direct supervision of a certified applicator who is licensed as a certified commercial applicator.

2. Application for a certified commercial applicator's license shall be made in writing to the director on a designated form obtained from the director's office. Each application shall include such information as prescribed by the director by regulation.

3. The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director his competence and knowledge of the proper use of pesticides under the classifications he had applied for, and his knowledge of the standards prescribed by regulations for the certification of commercial applicators.

4. The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, subject to reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

5. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which he is qualified, which shall expire one year from date of issuance unless it has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case said license shall expire upon the expiration date of the financial responsibility. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

6. The director shall require each certified commercial applicator or his employer to maintain records with respect to applications of restricted use pesticides. Such relevant information as the director may deem necessary may be specified by regulations. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or his employer.

7. A person or individual engaged in the business of applying pesticides to the lands of another, who is deprived of his sole certified commercial applicator by reason of death, illness, incapacity or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days except that, no restricted use pesticide shall be applied, or caused to be applied, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of his sole certified commercial applicator.

8. Every certified commercial applicator shall display his license in a prominent

place at the site, location or office from which he will operate as a certified commercial applicator; that place, location or office being at the address printed on the license.

9. Every certified commercial applicator who changes the address from which he will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. Certified noncommercial applicator's license, when required—application for certified noncommercial applicator's license, examination, fee—scope of license—records to be kept.—1. Any individual who is not certified pursuant to sections 281.035, 281.040 or 281.045, or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040 shall not use, or supervise the use of, any restricted use pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not apply, or supervise the application of, any restricted use pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not apply, or supervise the application of, any restricted use pesticide for any purpose unless he has demonstrated his competence to apply pesticides for that purpose by being certified by the director in the proper certification category.

2. Application for a certified noncommercial applicator license shall be made in writing to the director on a designated form obtained from the director's office. Each application shall include such information as prescribed by the director by regulation.

3. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director his competence and knowledge of the proper use of pesticides under the classifications for which he has applied, and his knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

4. If the director finds the applicant qualified to use restricted use pesticides in the classification for which he has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which he is certified. The license shall expire one year from the date of issuance unless it has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

5. The director may renew any certified noncommercial applicator license under the classification for which the license is issued subject to reexamination for additional knowledge which may be required to apply pesticides safely and properly.

6. The director shall collect a fee of fifteen dollars for each certified noncommercial applicator license issued.

7. Any certified noncommercial applicator may use or apply, or supervise the use or application of, restricted use pesticides only to or on lands or structures owned, leased or rented by himself or his employer.

8. The director shall require the certified noncommercial applicator or his employer to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified noncommercial applicator or his employer.

9. Every certified noncommercial applicator shall display his license in a prominent place at the site, location or office from which he will operate as a certified

noncommercial applicator; that place, location or office being at the address printed on the license.

10. Every certified noncommercial applicator who changes the address from which he will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.040. Private applicator's license, qualifications for, duration, renewal—emergency use of restricted pesticides, when authorized.—1. No private applicator shall use any restricted use pesticide unless he first complies with the requirements determined pursuant to subsection 2 or 5 of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. The private applicator shall qualify for a certified private applicator's license by attending a course of instruction provided by the director on the use, handling, storage and application of restricted use pesticides. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the course, the director shall issue a certified private applicator's license to the applicant. The director shall not collect a fee for the issuance of such license.

3. A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary.

4. If the director does not qualify the private applicator under this section he shall inform the applicant in writing of the reasons therefor.

5. The non-certified private applicator may apply to the director, or his designated agent, for private applicator permits for the emergency purchase of restricted use pesticides. When the noncertified private applicator has demonstrated his competence in the use of the pesticides to be purchased on an emergency basis, he shall be issued permits for the emergency purchase of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.

281.045. Certified public operator license—liability of governmental agencies—records to be kept.—1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not apply or supervise the application of any restricted use pesticide for any purpose unless he has demonstrated his competence to apply pesticides for that purpose by being certified by the director in the proper certification category. Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may apply restricted use pesticides only under the direct supervision of a certified public operator.

3. Application for a certified public operator license shall be made in writing to the director on a designated form obtained from the director's office. Each application shall include all information prescribed by the director by regulation.

4. The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director his competence and knowledge of the proper use of pesticides under the classifications for which he has applied, and his knowledge of the

standards prescribed by regulations for the certification of public operators.

5. If the director finds the applicant qualified to apply pesticides in the classification for which he has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of his employment. A certified public operator license shall expire three years from the date of issuance unless it has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

6. The director may review any certified public operator license under the classification for which that applicant is licensed, subject to reexamination for additional knowledge which may be required to apply pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

7. The director shall require the certified public operator, or his employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or his employer.

8. Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any application of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

9. Every certified public operator shall display his license in a prominent place at the site, location or office from which he will operate as a certified public operator; that place, location or office being at the address printed on the license.

10. Every certified public operator who changes the address from which he will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.050. Pesticide dealer's license required—fee—qualifications— grounds for suspension or revocation—records to be kept—change of address, notification of.—1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless he has obtained a license from the director which shall expire one year from date of issuance. A license shall be required for each location or outlet from which such pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators.

2. Application for a pesticide dealer's license shall be made on a designated form obtained from the director's office. The director shall collect a fee of ten dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency which provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to his knowledge of the laws and regulations governing the use and sale of pesticides and his responsibility in carrying on the business of a pesticide dealer. Each licensed pesticide dealer shall be responsible for

insuring that all of his employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by him in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer, agent or employee.

5. No pesticide dealer shall sell, give away or otherwise make available any restricted use pesticides to anyone but certified applicators or operators, or to private applicators who have met the requirements of subsection 5 of section 218.040, or to other pesticide dealers.

6. The director shall require the pesticide dealer, or his employer, to maintain books and records with respect to sales of restricted use pesticides. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or his employer.

7. Every licensed pesticide dealer who changes his address or place of business shall immediately notify the director.

281.055. Late renewal of license, penalty, reexamination, when—director to provide guideline book, fee for book.—1. If the application for renewal of any license, certification or permit provided for in this chapter is not filed prior to expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license, certification or permit shall be renewed; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit. Any person holding a current valid license, certification or permit may renew the license, certification or permit for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration then the licensee shall be required to take another examination.

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use, a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for said publication.

281.060. Revocation, suspension or modification of license, when.—The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license, permit, or certification issued under sections 281.010 to 281.115, if he finds that the applicant or the holder of a license, permit, or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to section 14 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, or has been convicted, or is subject to prosecution, in another state or protectorate of the United States, or has had a pesticide applicator license, certificate or permit denied, suspended, revoked or modified by another state or protectorate of the United States.

281.061. Inspection with consent of owner of premises—search warrant to issue, when—director may bring action to enjoin, when.—1. For the purpose of enforcing the provisions of Section 281.010 to 281.115, the director may, with

permission from the owner or person in charge, enter upon a premise at reasonable times in order to inspect, investigate, observe, sample, and audit; provided that such right of entry, in the case of manufacturing and formulation establishments, be limited to those areas where pesticides are packaged, labeled and released for shipment.

2. If the director is denied access to any land where such access was sought for the purposes set forth in this section, he may apply to any court of competent jurisdiction for a search warrant authorizing access to that land for those purposes. The court may issue a search warrant for the purposes requested upon probable cause being shown.

3. The director may report any violation of the provisions of sections 281.010 to 281.115 to the prosecuting attorney of the county where the violation occurs. The prosecuting attorney may institute appropriate proceedings in a court of competent jurisdiction. If any prosecuting attorney refuses or fails to act on request of the director, the attorney general shall so act.

4. The director may bring an action to enjoin the violation or threatened violation of any provision of sections 281.010 to 281.115, or any rule promulgated thereunder, in the circuit court of the county in which the violation occurs or is about to occur. No bond shall be required of the director.

281.063. Director may subpoena witnesses and documents, when.—The director may subpoena witnesses and compel the production of books, documents and records anywhere in the state in any hearing affecting the authority or privilege granted by a license, certificate or permit issued under the provisions of sections 281.010 to 281.115.

281.065. Bond or insurance required—deductible clause accepted, when—new surety, when—liability, effect of act on.—1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of the operations of the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to agricultural crops, plants or land being worked upon by the applicant.

2. The amount of the surety bond or liability insurance required by this section shall be not less than twenty-five thousand dollars for property damage and bodily injury insurance, each separately and for each occurrence. This surety bond or liability insurance shall include coverage for any loss or damage arising from the use of any pesticide. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified within twenty days prior to any reduction at the request of the bond or policyholder or any cancellation of such surety bond or liability insurance by the surety or insurer, as long as the total and aggregate of the surety and insurer for all claims shall be limited to the face of the bond or liability insurance policy. If the surety bond or liability insurance policy which provides the financial responsibility for the applicant is provided by the employer of the applicant, the employer of the applicant shall immediately notify the director upon the termination of the employment of the applicant or when a condition exists under which the applicant is no longer provided bond or insurance coverage by the employer. The applicant shall then immediately execute a surety bond or an insurance policy to cover the financial responsibility requirements of this section and shall furnish the director with evidence of financial responsibility as required by this section. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond or policyholder furnishes the director with a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in his application of pesticides.

3. If the surety furnished becomes unsatisfactory, the bond or policyholder shall, upon notice, immediately execute a new bond or insurance and if he fails to do so, the director shall cancel his license, or the license of the applicant, and give him notice of cancellation, and it shall be unlawful thereafter for the applicant to engage in the business of applying pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section and his license is reinstated by the director.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

281.070. Damage claims to be filed with director, when due—duties of director—failure to file, effect of.—1. The director may investigate claims of damages which result from the use of pesticides.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director, shall file with the director, on a form provided by the director, a written statement claiming that he has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and he shall make his inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee and his representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of sections 281.010 to 281.115. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the director may, when in the public interest, refuse to hold a hearing for the denial, suspension or revocation of a license or permit issued under sections 281.010 to 281.115 until such report is filed.

281.075. Reciprocal licensing authorized—agent to be designated by nonresidents.—1. The director may issue a license or certification on a reciprocal basis with other states without examination to a nonresident who is licensed or certified in another state substantially in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility must be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

2. Any nonresident applying for any license under sections 281.035, 281.037 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.

281.080. Exemptions.—The provisions of sections 281.010 to 281.115 relating to licenses and requirements for their issuance shall not apply to:

(1) Veterinarians applying pesticides to animals during the normal course of veterinary practice, as long as he is not regularly engaged in the business of applying pesticides for hire amounting to a principal or regular occupation or does not publicly hold himself out as a pesticide applicator.

(2) Doctors of medicine or doctors of osteopathy using or prescribing pesticides in the practice of medicine.

(3) Government and private research personnel applying pesticides under laboratory type conditions.

281.090. Stop orders, when—effect of.—When the director or his authorized agent has probable cause to believe a pesticide is being distributed or used in violation of any of the provisions of sections 281.010 to 281.115, or of any of the prescribed regulations under sections 281.010 to 281.115, he may issue and serve a written "stop sale, use or removal order" upon the owner or custodian of that pesticide. The pesticide shall not be sold, distributed, used or removed until the provisions of sections 281.010 to 281.115 have been complied with and the pesticide has been released in writing by the director or the violation has been otherwise disposed of as provided in sections 281.010 to 281.115 by a court of competent jurisdiction.

281.100. Instructional courses, how conducted.—The director may, in cooperation with a land grant college or university or other public educational institutions, or a professional association or person representing the licensee's category of certification, publish information and conduct short courses of instruction in the areas of knowledge required for licensing or certification under the provisions of sections 281.010 to 281.115.

281.105. Violations a misdemeanor.—1. Any person who violates any provision of sections 281.010 to 281.130 shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars.

2. Any person who knowingly violates any provision of sections 281.010 to 281.130 shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five thousand dollars, and may be imprisoned for not more than one year, or both.

3. Any person who misuses any pesticide or falsifies any record required by sections 281.010 to 281.130 shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars.

4. Any person who knowingly misuses any pesticide or knowingly falsifies any record required by sections 281.010 to 281.130 shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five hundred dollars and not more than five thousand dollars, and may be imprisoned for not more than one year, or both.

Approved July 6, 1977.

[H. C. S. H. B. 577]

LABOR AND INDUSTRIAL RELATIONS: Employment of the handicapped.

AN ACT to establish a committee on employment of the handicapped.

SECTION

1. Governor's committee on employment of the handicapped—members, appointment, terms, qualifications.

SECTION

2. Duties of committee.
3. Committee may receive funds and property.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Governor's committee on employment of the handicapped—members, appointment, terms, qualifications.—1. The "Governor's Committee on Employment of the Handicapped" is hereby assigned to the Department of Labor and Industrial Relations.

2. The Governor's Committee on Employment of the Handicapped shall be composed of a chairman, twenty-five members, and an executive secretary.

3. The chairman shall be appointed by the Governor with the advice and consent of the Senate and shall serve a term of two years, but may be reappointed.

4. The members of the committee shall be appointed by the Director of the Department of Labor and Industrial Relations and shall have a term of four years. Immediately after being appointed, the members shall be divided as equally as may be into two classes. The seats of the members of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, so that one-half may be chosen every second year; and if vacancies happen by resignation or otherwise, the Director of the Department of Labor and Industrial Relations shall make such appointments as may be necessary to fill such vacancies for the duration of the term. Those appointed to the committee shall include representatives from labor and industry, state agencies, organizations serving and/or composed of handicapped persons and other persons vitally interested in employment of the handicapped.

5. The Director of the Department of Labor and Industrial Relations and the chairman of the committee shall appoint a person to the position of executive secretary and such other personnel as are necessary and sufficient to fulfill the responsibilities of the committee. The Department of Labor and Industrial Relations shall provide funds necessary for the executive secretary and such other personnel as necessary. The executive secretary shall serve under the supervision of the committee chairman. The executive secretary and any professional support staff shall be exempted from the state merit system.

6. The chairman of the committee shall serve without compensation but shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of his duties. The members of the committee shall serve without compensation but may be reimbursed for their actual and necessary expenses incurred in attending all meetings provided for by this act.

7. The committee shall meet not less than four times per year.

Section 2. Duties of committee.—The Governor's Committee on Employment of the Handicapped shall:

(1) Act in an advisory capacity to all state agencies.

(2) Cooperate with the President's Committee on Employment of the Handicapped to give leadership and direction to the program of creating nationwide interest in the rehabilitation and employment of the handicapped and shall develop and recommend methods which will assure maximum utilization of services which the committee and other cooperating state and local organizations are able to render in promoting job opportunities for the handicapped;

(3) Plan and conduct a continuing program to promote the employment of handicapped persons by creating statewide interest in the rehabilitation and employment of the handicapped and by obtaining and maintaining cooperation from all public and private groups in this field;

(4) Initiate, organize and work closely with local committees on employment of the handicapped to promote acceptance of qualified handicapped workers;

(5) Promulgate those bylaws necessary for the efficient operation of the committee;

(6) Prepare an annual report to be presented to the Governor not later than January first of each year.

Section 3. Committee may receive funds and property.—The committee may receive funds and property by gift, devise, bequest or otherwise and may solicit funds to be used in carrying out the purposes of this act.

Approved July 13, 1977.

[S. C. S. S. B. 49]

LABOR AND INDUSTRIAL RELATIONS: Workmen's compensation.

AN ACT to repeal section 287.140, RSMo 1969 and section 287.020, RSMo Supp. 1975, relating to workmen's compensation, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SECTION

1. Enacting clause.
- 287.020. Definitions.
- 287.140. Employer to provide medical and other services, transportation.

SECTION

artificial devices—refusal of treatment, effect—medical evidence—division, commission responsibilities.

A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 287.140, RSMo 1969 and section 287.020, RSMo Supp. 1975 are repealed and two new sections enacted in lieu thereof, to be known as sections 287.020 and 287.140, to read as follows:

287.020. Definitions.—1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter.

2. The word "accident" as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event happening suddenly and violently, with or without human fault and producing at the time objective symptoms of an injury.

3. The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prosthesis which are placed in or on the body to replace the physical structure and such disease or infestation as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the workman is at work.

4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Without otherwise affecting either the meaning or interpretation of the abridged clause, "personal injuries arising out of and in the course of such employment", it is hereby declared not to cover workmen except while engaged in or about the premises where their duties are being performed, or where their services require their presence as a part of such service.

6. An employee who is employed by the same employer for more than five and one-half consecutive work days shall for the purpose of this chapter be considered a regular and not a casual employee.

7. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

8. As used in this chapter and all acts amendatory thereof, the term "commission"

shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the division of insurance of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the division of insurance of the state of Missouri.

9. The term "division" as used in this chapter means the division of workmen's compensation of the department of labor and industrial relations of the state of Missouri.

287.140. Employer to provide medical and other services, transportation, artificial devices—refusal of treatment, effect—medical evidence—division, commission responsibilities.—1. In addition to all other compensation, the employee shall receive and the employer shall provide such medical, surgical and hospital treatment, including nursing, ambulance and medicines, as may reasonably be required for the first one hundred eighty days after the injury or disability, to cure and relieve from the effects of the injury, and thereafter such additional similar treatment as the division or the commission by special order may determine to be necessary. If the employee desires, he shall have the right to select his own physician, surgeon, or other such requirement at his own expense. Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. When an employee is required to submit to medical examinations or necessary medical treatment at a place outside of the local or metropolitan area from the place of injury or the place of his residence, the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses. Provided, however, that in case of a medical examination if a dispute arises as to what expenses shall be paid by employer, the matter shall be presented to the legal aid representative, the referee or the commission who shall set the sum to be paid and same shall be paid by the employer prior to the medical examination. In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than one hundred miles from place of treatment.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this section shall be fair and reasonable, shall be subject to regulation by the division or the commission and shall be limited to such as are fair and reasonable for similar treatment of injured persons of a like standard of living. The division or the commission shall also have jurisdiction to hear and determine all disputes as to such charges.

4. No compensation shall be payable for the death or disability of an employee, if and insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

5. The testimony of any physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

6. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or his dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the records shall be admissible in evidence in any such proceedings.

7. a. The employer may be required by the division or the commission to furnish

an injured employee with an artificial leg, foot, arm, hand or brace or artificial eye whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. After the disability has been rated and approved by the division or the commission, the employer shall not be required to furnish any further artificial device.

b. The employer shall be required by the division or the commission to furnish an injured employee with an artificial eye, eyeglasses, artificial dentures, artificial limbs or other prosthesis when such items were damaged or destroyed as a result of a work related injury.

8. Nothing in this chapter shall prevent an employee being provided treatment for his injuries by prayer or spiritual means if the employer does not object to the treatment.

Section A. Emergency clause.—Because present language in the workmen's compensation statute precludes persons with artificial limbs and prosthesis devices from receiving compensation for work related accidents resulting in severe financial burdens for many citizens of this state. This act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution and this act shall be in full force and effect upon its passage and approval.

Approved June 8, 1977.

[S. B. 399]

LABOR AND INDUSTRIAL RELATIONS: Workmen's compensation.

AN ACT to repeal section 287.140, RSMo 1969, relating to workmen's compensation and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

287.140. Employer to provide medical and other services, transportation, artificial devices—refusal of treatment, effect—medical evidence—division, commission responsibilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 287.140, RSMo 1969, is repealed and one new section enacted in lieu thereof to be known as section 287.140, to read as follows:

287.140. Employer to provide medical and other services, transportation, artificial devices—refusal of treatment, effect—medical evidence—division, commission responsibilities.—1. In addition to all other compensation, the employee shall receive and the employer shall provide such medical, surgical and hospital treatment, including nursing, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury. If the employee desires, he shall have the right to select his own physician, surgeon, or other such requirement at his own expense. Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. When an employee is required to submit to medical examinations or necessary medical treatment at a place outside of the local or metropolitan area from the place of injury or the place of his residence, the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses. Provided, however, that in case of a medical examination if a dispute arises as to what expenses shall be paid by employer, the matter shall be presented to the legal aid representative, the referee or the commission who shall set the sum to be paid and same shall be paid by

the employer prior to the medical examination. In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than one hundred miles from place of treatment.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this section shall be fair and reasonable, shall be subject to regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases, and shall be limited to such as are fair and reasonable for similar treatment of injured persons of a like standard of living. The division or the commission, or the board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such charges.

4. No compensation shall be payable for the death or disability of an employee, if and in so far as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

5. The testimony of any physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

6. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or his dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the records shall be admissible in evidence in any such proceedings.

7. The employer may be required by the division or the commission to furnish an injured employee with an artificial leg, foot, arm, hand, or brace or artificial eye whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. After the disability has been rated and approved by the division or the commission, the employer shall not be required to furnish any further artificial device.

8. Nothing in this chapter shall prevent an employee being provided treatment for his injuries by prayer or spiritual means if the employer does not object to the treatment.

Approved July 26, 1977.

[S. B. 400]

LABOR AND INDUSTRIAL RELATIONS: Workmen's compensation.

AN ACT to repeal sections 287.390, 287.460 and 287.610 RSMo 1969, relating to workmen's compensation, and to enact in lieu thereof three new sections relating to the same subject.

SECTION

1. Enacting clause.
287.390. Compromise settlements, how made—validity, effect, settlement with minor dependents.

SECTION

287.460. Division hearings—findings sent to parties and insurers.
287.610. Administrative law judges, appointment and qualifications—jurisdiction and powers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 287.390, 287.460 and 287.610 RSMo 1969, are repealed and three new sections enacted in lieu thereof, to read as follows:

287.390. Compromise settlements, how made—validity, effect, settlement with minor dependents.—1. Nothing in this chapter shall be construed as preventing the parties to claims hereunder from entering into voluntary agreements in settlement thereof, but no agreement by an employee or his dependents to waive his rights under this chapter shall be valid, nor shall any agreement of settlement or compromise of any dispute or claim for compensation under this chapter be valid until approved by an administrative law judge or the commission, nor shall an administrative law judge or the commission approve any settlement which is not in accordance with the rights of the parties as given in this chapter. No such agreement shall be valid unless made after seven days afrom the date of the injury or death.

2. A compromise settlement approved by an administrative law judge or the commission during the employee's lifetime shall extinguish and bar all claims for compensation for the employee's death if the settlement compromises a dispute on any question or issue other than the extent of disability or the rate of compensation.

3. A minor dependent, by parent or legal guardian, may compromise disputes and may enter into a compromise settlement agreement, and upon approval by an administrative law judge or the commission the settlement agreement shall have the same force and effect as though the minor had been an adult. The payment of compensation by the employer in accordance with the settlement agreement shall discharge the employer from all further obligation.

287.460. Division hearings—findings sent to parties and insurers.—The division, through an administrative law judge, shall hear in a summary proceeding the parties at issue and their representatives and witnesses and shall determine the dispute. All evidence introduced at any such hearings shall be reported by a competent reporter appointed by the division. The award, together with a statement of the findings of fact, rulings of law and any other matters pertinent to the question at issue, shall be filed with the record of proceedings, and a copy of the award shall immediately be sent by registered United States mail to the parties in dispute and the employer's insurer.

287.610. Administrative law judges, appointment and qualifications—jurisdiction and powers.—1. The division may appoint such number of administrative law judges as it may find necessary, but not exceeding eighteen in number who shall be duly licensed lawyers under the laws of this state. Administrative law judges shall not practice law or do law business and shall devote their wholetime to the duties of their office. Any administrative law judge may be discharged or removed only by the governor.

2. The administrative law judges appointed by the division shall only have jurisdiction to hear and determine claims upon original hearing and shall have no jurisdiction whatsoever upon any review hearing, either in the way of an appeal from an original hearing or by way of reopening any prior award, provided, however, the industrial commission may remand any decision of an administrative law judge for a more complete finding of facts. With respect to original hearings the administrative law judges shall have such jurisdiction and powers as are vested in the division of workmen's compensation under other sections of this chapter, and wherever in this chapter the word "commission", "commissioners" or "division" is used in respect to any original hearing, those terms shall mean the administrative law judges appointed under this section. When a hearing is necessary upon any claim the division shall assign an administrative law judge to such hearing. Any administrative law judge shall have power to approve contracts of settlement, as provided by section 287.390, between the parties to any compensation claim or dispute under this chapter pending before the division of workmen's compensation. Any award by an administrative law judge upon an original hearing shall have the same force and effect, shall be enforceable in the same

manner as provided elsewhere in this chapter for awards by the industrial commission, and shall be subject to review as provided by section 287.480.

3. Any of the administrative law judges employed pursuant to this section may be assigned on a temporary basis to the branch offices as necessary in order to insure the proper administration of this chapter.

Approved July 27, 1977.

[H. B. 182]

LABOR AND INDUSTRIAL RELATIONS: Management of certain workmen's compensation funds.

AN ACT to repeal section 287.710, RSMo Supp. 1975, relating to the management of certain workmen's compensation funds, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

287.710. Tax returns—payments—use of proceeds—tax abates, when—funds and interest not to lapse.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 287.710, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 287.710, to read as follows:

287.710. Tax returns—payments—use of proceeds—tax abates, when—funds and interest not to lapse.—1. Every such insurance carrier, on or before the first day of March, 1946, and each year thereafter, shall make a return, verified by the affidavit of its president and secretary or other chief officers or agents, to the director of the insurance division, stating the amount of all such gross premiums or deposits and credits during the year ending on the thirty-first day of December, next preceding.

2. Upon the receipt of the returns the director shall verify the same and assess the tax upon the various insurance carriers on the basis and at the rate provided in section 287.690, and make a schedule thereof, duplicate copies of which, properly certified by the director, shall be filed in the offices of the revenue department, the state treasurer, and the division of workmen's compensation on or before the first day of April in each year. Immediately thereafter the director shall notify the insurance carriers of the amount of taxes respectively due from them, and the taxes shall be paid annually into the revenue department on or before the first day of May next ensuing except as to the possible abatement hereinafter provided. If not so paid the department of revenue shall certify the fact to the director who shall thereafter suspend the delinquent carriers of insurance from the further transaction of business in this state until the taxes are paid.

3. Upon receipt of the money eight-tenths thereof shall be deposited to the credit of the fund for the support of the division of workmen's compensation and two-tenths thereof to the credit of the second injury fund, except as hereinafter provided.

4. The tax collected for implementing the workmen's compensation fund, and any interest accruing thereon, under the police power of the state from those specified in sections 287.690, 287.715, and 287.730 shall be used for the purpose of making effective the law to relieve victims of industrial injuries from having individually to bear the burden of misfortune or becoming charges upon society and for the further purpose of providing for the physical rehabilitation of the victims of industrial injuries, and for no other purposes. It is hereby made the express duty of every person exercising any official authority or responsibility in and for the state of Missouri sacredly to safeguard and preserve all funds collected, and any interest accruing thereon, under and by virtue of sections 287.690, 287.715, and 287.730 for the purposes hereinabove declared.

5. Whenever at the close of business on the thirtieth day of June on any even-numbered year the balance on hand in the fund created by virtue of sections 287.220, 287.690, 287.715, and 287.730 shall equal or exceed twice the sum expended and encumbered in the fiscal year then ending, the tax levied by virtue of sections 287.690, 287.715, and 287.730 shall abate for the calendar year next ensuing and only for that year. The director of the division of workmen's compensation immediately upon the close of each even-numbered fiscal year shall furnish the director of insurance with the amount expended and encumbered for the fiscal year immediately ending. Notice of any abatement shall be given by the director of insurance by his filing the abatement order with the secretary of state and by advising all those who otherwise would be taxed of the abatement. No abatement shall relieve anyone from the filing of such information and returns nor the director of insurance from making assessments thereon and a schedule thereon as elsewhere provided for in this section or in this chapter. No abatement shall ever extend beyond the period of one year. To assure prompt compensation and medical attention due injured workers and to provide physical rehabilitation of such workers where it is indicated this specific statute shall prevail, any general law to the contrary notwithstanding. In any year for which the tax levied by virtue of sections 287.690, 287.715, and 287.730 is abated by reason of this section, the premium tax of three percent per annum made and provided in section 148.370, RSMo, shall be levied and assessed against all those insurance carriers that were relieved of payment of the tax because of the abatement order. Any self insured employer relieved of payment of the tax because of the abatement order shall pay a tax equal to three percent of what the insurance premium would have been had the self-insured employer purchased insurance.

6. The funds created by virtue of sections 287.220, 287.690, 287.715, and 287.730 shall be exempt from the provisions of section 33.080, RSMo, specifically as they relate to the transfer of fund balances and any interest thereon to the ordinary revenue, and the director of the division of workmen's compensation may direct the state treasurer to invest all or part of these funds in interest bearing accounts as provided in article IV, Section 15 of the constitution of the state of Missouri, and any unexpended balance in the second injury fund at the end of any appropriation period shall be a credit in the second injury fund and shall be the amount of the fund at the beginning of the appropriation period next immediately following.

Approved June 8, 1977.

[H. B. 707]

LABOR AND INDUSTRIAL RELATIONS: Employment security.

AN ACT to repeal sections 288.030, 288.032, 288.034, 288.036, 288.040, 288.062, 288.080, 288.090, 288.100, RSMo Supp. 1975, relating to employment security, and to enact in lieu thereof eleven new sections relating to the same subject.

SECTION

1. Enacting clause.
- 288.030. Definitions.
- 288.032. Employer defined by reference to January 1, 1978.
- 288.034. Employment defined.
- 288.036. Wages defined.
- 288.040. Eligibility for benefits—exceptions.
- 288.062. "On" and "Off" indicators, state and national, how determined.

SECTION

- 288.080. Employer, when subject to law—election of coverage—termination.
- 288.090. Contributions required, when.
- 288.100. Experience rating—employer accounts, credits and charges.
2. Regulations to expire, when, exception—rulemaking power under sections 288.030 and 288.032 to 288.105 expire November 30, 1981.
3. Invalidity of Public Law 94-566, effect of.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 288.030, 288.032, 288.034, 288.036, 288.040, 288.062, 288.080, 288.090, 288.100, RSMo Supp. 1975, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 288.030, 288.032, 288.034, 288.036, 288.040, 288.062, 288.080, 288.090, 288.100 and 2, and section 3 to read as follows:

288.030. Definitions.—As used in this law, unless the context clearly requires otherwise:

(1) "Appeals tribunal" means a referee or a body consisting of three referees appointed to conduct hearings and make decisions on appeals from administrative determination.

(2) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

(3) "Benefit year" means the one-year period beginning with the first day of the first week with respect to which an insured worker first files an initial claim for determination of his insured status, and thereafter the one-year period beginning with the first day of the first week with respect to which the individual, providing he is then an insured worker, next files such an initial claim after the end of his last preceding benefit year.

(4) "Benefits" means the money payments payable to an insured worker, as provided in this law, with respect to his unemployment.

(5) "Calendar quarter" means the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first.

(6) "Claimant" means an individual who has filed an initial claim for determination of his status as an insured worker, a notice of unemployment, a certification for waiting week credit, or a claim for benefits.

(7) "Commission" means the labor and industrial relations commission of Missouri.

(8) "Contributions" means the money payments to the unemployment compensation fund required by this law, exclusive of interest and penalties.

(9) "Decision" means a ruling made by the division or the commission after a hearing.

(10) "Deputy" means a representative of the division designated to make investigations and administrative determinations on claims or matters of employer liability or to perform related work.

(11) "Determination" means any administrative ruling made by the division without a hearing.

(12) "Director" means the administrative head of the division of employment security.

(13) "Division" means the division of employment security which administers this law.

(14) "Employing unit" means any individual or type of organization, including the legal representatives thereof, which has or subsequent to June 17, 1937, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this law. Each individual engaged to perform or to assist in performing the work of any person in the service of an employing unit shall be deemed to be engaged by such employing unit for all the purposes of this law, whether such individual was engaged or paid directly by such employing unit or by such person, provided the employing unit had actual or constructive knowledge of the work.

(15) "Employment office" means a free public employment office operated by this

or any other state as a part of a state controlled system of public employment offices.

(16) "Fund" means the unemployment compensation fund established by this law.

(17) "Initial claim" means a written application, in a form prescribed by the division, made by an individual for the determination of his status as an insured worker.

(18) "Insured work" means employment in the service of an employer, except that with respect to weeks of unemployment beginning on or after January 1, 1978, insured work shall include previously uninsured work. For the purposes of this subdivision, the term "previously uninsured work" means, except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services, those services

(a) Which were not "employment" as defined in section 288.034 or under an election pursuant to section 288.050.3(2) at any time during the calendar year 1975; and

(b) Are agricultural labor as defined in section 288.034.12; domestic service as defined in subdivisions (2) and (12) of section 288.034.12; services in the employ of a governmental entity not defined as "employment" in section 288.034.7 prior to January 1, 1978; or services prior to January 1, 1978, in the employ of a nonprofit educational institution which is not an institution of higher education.

(19) "Insured worker" means a worker who has been paid wages for insured work in the amount of three hundred dollars or more in at least one calendar quarter of his base period and total wages in his base period equal to at least thirty times his weekly benefit amount provided he has been paid wages for insured work in at least two calendar quarters of his base period. For the purposes of this definition, "wages" shall be considered as wage credits with respect to any benefit year, only if such benefit year begins subsequent to the date on which the employing unit by which such wages were paid has become an employer.

(20) "Referee" means a representative of the division designated to serve on an appeals tribunal.

(21) "State" includes, in addition to the states of the United States of America, the District of Columbia, Puerto Rico, the Virgin Islands, and the Dominion of Canada.

(22) (a) An individual shall be deemed "totally unemployed" in any week during which he performs no services and with respect to which no wages are payable to him;

(b) An individual shall be deemed "partially unemployed" in any week of less than full-time work if the wages payable to him for such week do not equal or exceed his weekly benefit amount plus ten dollars;

(c) An individual's week of unemployment shall begin the first day of the calendar week in which he registers at an employment office except that, if for good cause his registration is delayed, the week of unemployment shall begin the first day of the calendar week in which he would have otherwise registered. The requirement of registration may by regulation be postponed or eliminated in respect to claims for partial unemployment or may by regulation be postponed in case of a mass layoff due to a temporary cessation of work.

(23) "Waiting week" means the first week of unemployment for which a claim is allowed in a benefit year.

(24) "Governmental entity" means the state, any political subdivision thereof, any instrumentality of any one or more of the foregoing which is wholly owned by this state and one or more other states or political subdivisions and any instrumentality of this state or any political subdivision thereof and one or more other states or political subdivisions.

288.032. Employer defined by reference to January 1, 1978.—1. Prior to January 1, 1978, "employer" means:

(1) Any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of \$1,500 or more;

(2) Any employing unit which for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or

the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day);

(3) Any employing unit for which service in employment as defined in section 288.034.7 is performed;

(4) Any employing unit for which service in employment as defined in section 288.034.8 is performed;

(5) Any individual, type of organization or employing unit which has acquired substantially all of the business of an employer subject to this law;

(6) Any individual, type of organization or employing unit which has elected to become subject to this law pursuant to subdivision (1) of subsection 3, of section 288.080;

(7) Any individual, type of organization or employing unit which, having become an employer, has not under section 288.080 ceased to be an employer;

(8) Any employing unit subject to the Federal Unemployment Tax Act or which, as a condition for approval of this law for full tax credit against the tax imposed by the federal unemployment tax act, is required, pursuant to such act, to be an employer under this law.

2. After December 31, 1977, "employer" means:

(1) Any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of \$1,500 or more except that for the purposes of this definition, wages paid for agricultural labor as defined in section 288.034.12(1)(a) and for domestic services as defined in subdivisions (2) and (12) of section 288.034.12, shall not be considered;

(2) Any employing unit which for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day) except that for the purposes of this definition, services performed in agricultural labor as defined in section 288.034.12 (1)(a) and in domestic services as defined in subdivisions (2) and (12) of section 288.034.12 shall not be considered;

(3) Any governmental entity for which service in employment as defined in section 288.034.7 is performed;

(4) Any employing unit for which service in employment as defined in section 288.034.8 is performed during the current or preceding calendar year;

(5) Any employing unit for which service in employment as defined in section 288.034.12(1)(b) is performed during the current or preceding calendar year;

(6) Any employing unit for which service in employment as defined in section 288.034.13 is performed during the current or preceding calendar year;

(7) Any individual, type of organization or employing unit which has acquired substantially all of the business of an employer subject to this law;

(8) Any individual, type of organization or employing unit which has elected to become subject to this law pursuant to subdivision (1) of subsection 3 of section 288.080;

(9) Any individual, type of organization or employing unit which, having become an employer, has not under section 288.080 ceased to be an employer;

(10) Any employing unit subject to the Federal Unemployment Tax Act or which, as a condition for approval of this law for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such act, to be an employer under this law.

288.034. Employment defined.—1. "Employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied, and notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal unemployment tax law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which, as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax

Act is required to be covered under this law.

2. The term "employment" shall include an individual's entire service, performed within or both within and without this state if

(1) The service is localized in this state; or

(2) The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

3. Service performed by an individual for wages shall be deemed to be employment subject to this law

(1) If covered by an election filed and approved pursuant to subdivision (2) of subsection 3 of section 288.080;

(2) If covered by an arrangement pursuant to section 288.340 between the division and the agency charged with the administration of any other state or federal unemployment insurance law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state.

4. Service shall be deemed to be localized within a state if the service is performed entirely within such state; or the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

5. Irrespective of the usual tests for determining the existence of the independent contractor relationship as at common law, service performed by an individual for wages shall be deemed to be employment subject to this law unless it is shown to the satisfaction of the division that

(1) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(2) Such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(3) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

6. The term "employment" shall include service performed for wages as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or drycleaning services, for his principal; or as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations, provided

(1) The contract of service contemplates that substantially all of the services are to be performed personally by such individual; and

(2) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(3) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

7. Service performed after April 27, 1972, by an individual in the employ of this state or any of its instrumentalities (or in the employ of this state and one or more other states or their instrumentalities) for a hospital or institution of higher education located in this state, provided that such service is excluded from "employment" as defined in the

Federal Unemployment Tax Act solely by reason of section 3306 (c) (7) of that act shall be "employment" subject to this law unless such service is excluded from "employment" under subsection 9 of this section; and, service performed after December 31, 1977, in the employ of this state or any political subdivision thereof or any instrumentality of any one or more of the foregoing which is wholly owned by this state and one or more other states or political subdivisions, or any service performed in the employ of any instrumentality of this state or of any political subdivision thereof, and one or more other states or political subdivision, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306 (c) (7) of that act and is not excluded from "employment" under subsection 9 of this section, shall be employment subject to this law.

8. Service performed by an individual in the employ of a corporation or any community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, or other organization described in section 501 (c) (3) of the Internal Revenue Code which is exempt from income tax under section 501 (a) of that code if the organization had four or more individuals in employment for some portion of a day in each of twenty different weeks whether or not such weeks were consecutive within a calendar year regardless of whether they were employed at the same moment of time shall be "employment" subject to this law.

9. For the purposes of subsections 7 and 8 the term "employment" does not apply to service performed

(1) In the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education; after December 31, 1977, in the employ of a governmental entity referred to in section 288.032.2(3) if such service is performed by an individual in the exercise of duties

(a) As an elected official;

(b) As a member of a legislative body, or a member of the judiciary, of a state or political subdivision;

(c) As a member of the state national guard or air national guard;

(d) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(e) In a position which, under or pursuant to the laws of this state, is designated as (i) a major nontenured policymaking or advisory position, or (ii) a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week; or

(4) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

(6) Prior to January 1, 1978, for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution; or

(7) In the employ of a school, college, or university, if such service is performed (i) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (ii) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance.

10. The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States after April 27, 1972, (except in Canada and, in the case of the Virgin Islands, after April 27, 1972, and before December 31 of the year in which the United States Secretary of Labor first approves an unemployment compensation law of the Virgin Islands) in the employ of an American employer (other than service which is deemed "employment" under the provisions of subsection 2 or 4 of this section or the parallel provisions of another state's law), if

(1) The employer's principal place of business in the United States is located in this state; or

(2) The employer has no place of business in the United States, but

(a) The employer is an individual who is a resident of this state; or

(b) The employer is a corporation which is organized under the laws of this state; or

(c) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(3) None of the criteria of subdivisions (1) and (2) of this subsection is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state;

(4) As used in this subsection and in subsection 11 of the term "United States" includes the States, the District of Columbia and the Commonwealth of Puerto Rico.

11. An "American employer", for the purposes of subsection 10, means a person who is

(1) An individual who is a resident of the United States; or

(2) A partnership if two-thirds or more of the partners are residents of the United States; or

(3) A trust, if all of the trustees are residents of the United States; or

(4) A corporation organized under the laws of the United States or of any state.

12. The term "employment" shall not include:

(1) Service performed by an individual in agricultural labor;

(a) For purposes of this subdivision, the term "agricultural labor" means remunerated service performed:

a. On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

c. In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15(g) of the Federal Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 U.S.C. 1441j), or in connection with the ginning of

cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

d. i. In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed;

ii. In the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of services described in subparagraph d. i., but only if such operators produced more than one-half of the commodity with respect to which such service is performed;

iii. The provisions of subparagraph d.i.ii. shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

e. On a farm operated for profit if such service is not in the course of the employer's trade or business. As used in this paragraph, the term "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures, used primarily for the raising of agricultural or horticultural commodities, and orchards.

(b) The term "employment" shall include service performed after December 31, 1977, by an individual in agricultural labor as defined in paragraph (1)(a) of this subsection when

a. Such service is performed for a person who, during any calendar quarter, paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor or for some portion of a day in a calendar year in each of twenty different calendar weeks, whether or not such weeks were consecutive, employed in agricultural labor ten or more individuals, regardless of whether they were employed at the same moment of time.

(c) For the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be considered as employed by such crew leader

a. If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

b. If such individual is not in employment by such other person.

c. If any individual is furnished by a crew leader to perform service in agricultural labor for any other person and that individual is not in the employment of the crew leader

i. Such other person and not the crew leader shall be treated as the employer of such individual; and

ii. Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other person) for the service in agricultural labor performed for such other person.

d. For the purposes of this subsection, the term "crew leader" means an individual who

i. Furnishes individuals to perform service in agricultural labor for any other person;

ii. Pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them; and

iii. Has not entered into a written agreement with such other person under which such individual is designated as in employment by such other person.

(2) Domestic service in a private home except as provided in subsection 13 of this section;

(3) Service performed by an individual under the age of eighteen years in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Except as otherwise provided in this law, service performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(6) Services with respect to which unemployment insurance is payable under an unemployment insurance system established by an act of congress;

(7) Service performed in the employ of a foreign government;

(8) Service performed in the employ of an instrumentality wholly owned by a foreign government

(a) If the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(b) If the division finds that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof. The certification of the United States Secretary of State to the United States Secretary of Treasury shall constitute prima facie evidence of such equivalent exemption;

(9) Service covered by an arrangement between the division and the agency charged with the administration of any other state or federal unemployment insurance law pursuant to which all services performed by an individual for an employing unit during the period covered by the employing unit's approved election are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

(10) Service performed in any calendar quarter in the employ of a school, college or university not otherwise excluded, if such service is performed by a student who is enrolled and regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed fifty dollars (exclusive of board, room, and tuition);

(11) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, or as a real estate salesman, or as a real estate broker, if all such service performed by such individual for such person is performed for remuneration solely by way of commissions;

(12) Domestic service performed in the employ of a local college club or of a local chapter of a college fraternity or sorority except as provided in subsection 13 of this section.

13. The term "employment" shall include domestic service as defined in subdivision (2) and in subdivision (12) of subsection 12 of this section performed after December 31, 1977, if the employing unit for which such service is performed paid cash wages of \$1,000 or more for such services in any calendar quarter after December 31, 1977.

14. The term "employment" shall include or exclude the entire service of an individual for an employing unit during a pay period in which his services are not all excluded under the foregoing provisions, on the following basis: If the services performed during one-half or more of any pay period constitute employment as otherwise defined in this law, all the services performed during such period shall be deemed to be employment; but if the services performed during more than one-half of

any such pay period do not constitute employment as otherwise defined in this law, then none of the services for such period shall be deemed to be employment. (As used in this subsection, the term "pay period" means a period of not more than thirty-one consecutive days for which a payment of remuneration is ordinarily made to the individual by the employing unit employing him.) This subsection shall not be applicable with respect to service performed in a pay period where any such service is excluded under subdivision (7) of subsection 12.

288.036. Wages defined.—"Wages" means all remuneration, payable or paid, for personal services including commissions and bonuses and, except as provided in subdivision (9) of this section, the cash value of all remuneration paid in any medium other than cash. Vacation pay and holiday pay shall be considered as wages for the week with respect to which it is payable. The term "wages" shall not include:

(1) For the purposes of determining the amount of contributions due and contribution rates, that part of the remuneration for employment which is in excess of four thousand two hundred dollars for the calendar years 1972 through 1975; in excess of four thousand five hundred dollars for the calendar years 1976 and 1977, and in excess of six thousand dollars for the calendar year 1978 and each calendar year thereafter, paid to an individual by an employer or his predecessor during a calendar year, unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund;

(2) The amount of any payment made (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of, an individual under a plan or system established by an employing unit which makes provision generally for individuals performing services for it or for a class or classes of such individuals, on account of

- (a) Retirement, or
- (b) Sickness or accident disability, or
- (c) Medical and hospitalization expenses in connection with sickness or accident disability, or
- (d) Death;

(3) The amount of any payment made by an employing unit to an individual performing services for it (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employing unit to, or on behalf of, an individual performing services for it after the expiration of six calendar months following the last calendar month in which the individual performed services for such employing unit;

(5) The amount of any payment made by an employing unit to, or on behalf of, an individual performing services for it or his beneficiary

(a) From or to a trust exempt from tax under section 165 (a) of the Federal Internal Revenue Code (26 U.S.C.A. Sec. 165) at the time of such payment unless such payment is made to an individual performing services for the trust as remuneration for such services and not as a beneficiary of the trust, or

(b) Under or to an annuity plan which, at the time of such payments, meets the requirements of section 165 (a) (3), (4), (5) and (6) of the Federal Internal Revenue Code (26 U.S.C.A. Sec. 165);

(6) The amount of any payment made by an employing unit (without deduction from the remuneration of the individual in employment) of the tax imposed under section 1400 of the Federal Internal Revenue Code (26 U.S.C.A. Sec. 1400) upon an individual in employment;

(7) Remuneration paid in any medium other than cash to an individual for

services not in the course of the employing unit's trade or business;

(8) The amount of any payment (other than vacation or sick pay) made to an individual after the month in which he attains the age of sixty-five, if he did not perform services for the employing unit in the period for which such payment is made.

(9) For the purpose of determining wages paid for agricultural labor as defined in section 288.034.12 (1) (b) and for domestic service as defined in subsection 13 of section 288.034, only cash wages paid shall be considered.

288.040. Eligibility for benefits—exceptions.—1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that

(1) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) He is able to work and is available for work; provided, however, that no person shall be deemed available for work unless he has been and is actively and earnestly seeking work;

(3) Prior to the first week of a period of total or partial unemployment for which he claims benefits he has been totally or partially unemployed for a waiting period of one week. No more than one waiting week will be required in any benefit year. The one week waiting period shall become compensable after unemployment during which benefits are payable for nine consecutive weeks. No week shall be counted as a week of total or partial unemployment for the purposes of this subsection unless it occurs within the benefit year which includes the week with respect to which he claims benefits;

(4) He has made a claim for benefits.

2. (1) Benefits based on service in employment defined in subsections 7 and 8 of section 288.034 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law; except that benefits based on service prior to January 1, 1978, in an instructional, research, or principal administrative capacity in an institution of higher education (as defined in subsection 288.031.2) shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for an institution or institutions of higher education for both such academic years or both such terms.

(2) With respect to service performed after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(3) With respect to services performed after December 31, 1977, in any capacity for an educational institution (other than an institution of higher education), benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform such services in the second of such academic years or terms.

3. (1) A claimant shall be ineligible for waiting week credit or benefits for any

week for which he is receiving or has received remuneration exceeding his weekly benefit amount in the form of

- (a) Wages in lieu of notice;
- (b) Termination allowances;
- (c) Compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States;

(d) A pension paid in whole or in part from funds furnished by an employing unit to the extent that such pension is provided from funds not provided by the claimant; except that military retirement benefits shall not be considered as a pension for the purposes of this subsection;

(2) If the remuneration referred to in this subsection is less than the benefits which would otherwise be due, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration and if such benefit is not a multiple of one dollar such amount shall be raised to the next multiple of one dollar.

4. A claimant shall be ineligible for waiting week credit or benefits for any week for which or a part of which he has received or is seeking unemployment benefits under an unemployment insurance law of another state or the United States; provided, that if it be finally determined that he is not entitled to such unemployment benefits, such ineligibility shall not apply.

5. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which he is or was last employed; provided, that in the event he secures other employment from which he is separated during the existence of the labor dispute, he must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his ineligibility; and provided further, that if in any case separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises; and provided further, that this subsection shall not apply if it is shown to the satisfaction of the deputy that

(a) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work, and

(b) He does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit.

6. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

7. Benefits shall not be paid on the basis of services performed by an alien who has not been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals applying for benefits to

determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence.

288.062. "On" and "Off" indicators, state and national, how determined.—

1. As used in this section, unless the context clearly requires otherwise:

(1) "Extended benefit period" means a period which

(a) Begins with the third week after whichever of the following weeks occurs first:

a. A week for which there is a national "on" indicator; or

b. A week for which there is a state "on" indicator; and

(b) Ends with either of the following weeks, whichever occurs later:

a. The third week after the first week for which there is both a national "off" indicator and a state "off" indicator; or

b. The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state; and provided further, that no extended benefit period may become effective in this state prior to January 1, 1972.

(2) There is a "national 'on' indicator" for a week if the United States Secretary of Labor determines that for the period consisting of such week and the immediately preceding twelve weeks the rate of insured unemployment (seasonally adjusted) for all states equalled or exceeded four and one-half percent.

(3) There is a "national 'off' indicator" for a week if the United States Secretary of Labor determines that for the period consisting of such week and the immediately preceding twelve weeks the rate of insured unemployment (seasonally adjusted) for all states was less than four and one-half percent.

(4) There is a "state 'on' indicator" for this state for a week if the director determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this law

(a) Equalled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and

(b) Equalled or exceeded four percent except, that if the rate of insured unemployment as contemplated in this subdivision equals or exceeds five percent, the determination of an "on" indicator shall be made under this subdivision as if it did not contain the provisions of paragraph (a).

(5) There is a "state 'off' indicator" for this state for a week if the director determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this law

(a) Was less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or

(b) Was less than four percent except, there shall not be an "off" indicator for any week in which an "on" indicator as contemplated in paragraph (b) of subdivision (4) of this subsection exists.

(6) "Rate of insured unemployment", for the purposes of subdivisions (4) and (5) of this subsection, means the percentage derived by dividing

(a) The average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the director on the basis of his reports to the United States Secretary of Labor, by

(b) The average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(7) "Regular benefits" means benefits payable to an individual under this law or under any other state law (including benefits payable to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

(8) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.

(9) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(10) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period

(a) Has received, prior to such week, all of the regular benefits that were available to him under this law or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; provided, that, for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(b) Has received, prior to such week, all the regular compensation available to him in his current benefit year that includes such week under the unemployment compensation law of the state in which he files a claim for extended compensation or the unemployment compensation law of any other state after a cancellation of some or all of his wage credits or the partial or total reduction of his right to regular compensation; or

(c) His benefit year having expired prior to such week, he has insufficient wages or employment, or both, on the basis of which he could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he is precluded from receiving regular compensation by reason of a state law provision which meets the requirement of section 3304 (a)(7) of the Internal Revenue Code of 1954; and

(d) a. Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

(11) "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

2. Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this law which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

3. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the deputy finds that with respect to such week:

(1) He is an "exhaustee" as defined in subdivision 1, (10);

(2) He has satisfied the requirements of this law for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

4. "Weekly extended benefit amount." The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

5. "Total extended benefit amount." The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

(1) Fifty percent of the total amount of regular benefits which were payable to him under this law in his applicable benefit year;

(2) Thirteen times his weekly benefit amount which was payable to him under this law for a week of total unemployment in the applicable benefit year.

6. (1) Whenever an extended benefit period is to become effective in this state (or in all states) as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in this state as a result of state and national "off" indicators the director shall make an appropriate public announcement.

(2) Computations required by the provisions of subdivision 1, (6), shall be made by the director, in accordance with regulations prescribed by the United States Secretary of Labor.

288.080. Employer, when subject to law—election of coverage—termination.—1. Except as provided in subsection 3, any individual, type of organization or employing unit which is or becomes an employer subject to this law within any calendar year shall be subject to this law during the whole of such calendar year.

2. Except as otherwise provided in subsection 3

(1) An employing unit which became a liable employer under any of the provisions of section 288.032 shall cease to be an employer as of the first day of January of any calendar year, if it files with the division, on or before the tenth day of February of such year, a written application for termination of coverage, and the division makes a determination that during the preceding calendar year the employing unit did not have a sufficient number of workers in employment and did not pay sufficient wages for services in employment to meet any of the conditions for establishing liability as an employer as set out in section 288.032. Notwithstanding the above set out time limit for the filing of an application, any employing unit not having knowledge of its liability as an employer subject to the law for a prior year shall cease to be an employer as of the first day of January of any later calendar year, if it files with the division within ninety days after it was notified of its liability, a written application for termination of coverage, and the division makes a determination that the employing unit meets the requirements of this subsection for the year preceding the year for which termination of coverage is requested.

3. (1) Any individual, type of organization or employing unit, not otherwise subject to this law, which files with the division its written election to become a subject employer for not less than two calendar years, shall, with the written approval of such election by the division, become an employer to the same extent as all other employers, as of the date stated in such approval.

(2) Any employing unit for which services that do not constitute employment are performed may file with the division a written election that all such services with respect to which payments are not required under an unemployment insurance law of any other state or of the federal government shall be deemed to constitute employment for all the purposes of this law for not less than two calendar years. Upon the written approval of such election by the division such services shall be deemed to constitute

employment from and after the date stated in such approval. Such services shall cease to be deemed employment as of January first of any calendar year subsequent to such two calendar years only if the employing unit files with division on or before the tenth day of February of such year, a written application for termination of such coverage.

4. The division may at any time on its own initiative terminate the status of any individual, type of organization or employing unit as an employer subject to this law, which is an employer pursuant to an approved election, and the division may likewise terminate the status of any employing unit as an employer subject to this law when satisfied that such employer has had no individuals in employment at any time during the two preceding calendar years.

5. Any employer whose liability under this law is terminated shall notify all individuals performing services for him of such termination, shall for a period of ninety days thereafter keep notice thereof conspicuously posted, and shall for a period of five calendar quarters after such termination supply to his workers copies of any printed statements relating to claims for benefits when and as the division may by regulations prescribe.

288.090. Contributions required, when.—1. Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this law. Such contributions shall become due and be paid by each employer to the division for the fund on or before the last day of the month following each calendar quarterly period of three months except when regulation requires monthly payment. Any employer upon application, or pursuant to a general or special regulation, may be granted an extension of time, not exceeding three months, for the making of his reports or for the payment of such contributions. Payment of contributions shall be made to the treasurer designated pursuant to section 288.290.

(1) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent;

(2) Contributions shall not be deducted in whole or in part from the wages of individuals in employment.

2. Each employer shall pay contributions equal to two and seven-tenths percent of wages paid by him with respect to employment during each calendar year unless there have been thirty-six consecutive calendar months immediately preceding the July first calculation date for such calendar year throughout which his account could have been charged with benefits; except that an employer who has not been subject to the Missouri employment security law for a sufficient period to meet this requirement may qualify for a rate other than two and seven-tenths percent if his account has been chargeable throughout a lesser period but, in no event, less than the twelve consecutive calendar months immediately preceding the July first calculation date. The division shall classify all employers meeting this requirement for each calendar year in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts, with a view to fixing such contribution rates as will reflect such experience. The division shall determine the contribution rate of each such employer in accordance with sections 288.113 to 288.127. Notwithstanding the provisions of this subsection, any employing unit which becomes an employer pursuant to the provisions of subsection 288.034.7 or 288.034.8 shall pay contributions equal to one percent of wages paid by it until its account has been chargeable with benefits for the period of time sufficient to enable it to qualify for a computed rate on the same basis as other employers.

3. Benefits paid to employees of any governmental entity and nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection, a "nonprofit organization" is an organization (or group of organizations) described in section 501 (c) (3) of the U. S. Internal Revenue Code which is exempt from income tax under section 501 (a) of such code.

(1) A governmental entity which, pursuant to subsection 288.034.7, or nonprofit organization which, pursuant to subsection 288.034.8, is, or becomes, subject to this law on or after April 27, 1972, shall pay contributions under the provisions of subsections 1 and 2 unless it elects, in accordance with this subdivision, to pay to the division for the unemployment compensation fund an amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such governmental entity or nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election, except that with respect to benefits paid for weeks of unemployment beginning on or after January 1, 1979, any such election by a governmental entity shall be to pay to the division for the unemployment compensation fund an amount equal to the amount of all regular benefits and all extended benefits paid that is attributable to service in the employ of such governmental entity.

(a) A governmental entity or nonprofit organization which is, or becomes, subject to this law on or after April 27, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than one calendar year, provided it files with the division a written notice of its election within the thirty day period immediately following the date of the determination of such subjectivity. The provisions of paragraphs (a), (b), (c), (d) and (e) of subdivision (4) of subsection 1 of section 288.100 shall not apply in the case of an employer who has elected to become liable for payments in lieu of contributions.

(b) A governmental entity or nonprofit organization which makes an election in accordance with paragraph (a) of this subdivision will continue to be liable for payments in lieu of contributions until it files with the division a written notice terminating its election not later than thirty days prior to the beginning of the calendar year for which such termination shall first be effective.

(c) A governmental entity or any nonprofit organization which has been paying contributions under this law for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the division not later than thirty days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next calendar year.

(d) The division, in accordance with such regulations as may be adopted, shall notify each governmental entity or nonprofit organization of any determination of its status of an employer and of the effective date of any election which it makes and of any termination of such election. Such determination shall be subject to appeal as is provided in subsection 288.130.3.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of paragraph (a):

(a) At the end of each calendar quarter, or at the end of any other period as determined by the director, the division shall bill the governmental entity or nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such organization, except that with respect to extended benefits paid for weeks of unemployment beginning on or after January 1, 1979, which are attributable to service in the employ of a governmental entity, the governmental entity shall be billed for the full amount of such extended benefits.

(b) Payment of any bill rendered under paragraph (a) shall be due and shall be made not later than thirty days after such bill was mailed to the last known address of the governmental entity or nonprofit organization or was otherwise delivered to it.

(c) Payments made by the governmental entity or nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(d) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that apply to past due contributions. Also, unpaid amounts in lieu of contributions are subject to the same assessment, civil action and compromise provisions of this law as apply to unpaid contributions. Further, the provisions of this law which provide for the adjustment or refund of contributions shall apply to the adjustment or refund of payments in lieu of contributions.

(3) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under subdivision (2) of this subsection, the division may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next calendar year, and such termination shall be effective for that and the next calendar year.

(4) Except as provided in subsection 4 of this section, each employer that is liable for payments in lieu of contributions shall pay to the division for the fund the amount of regular benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer, except that with respect to benefits paid for weeks of unemployment beginning on or after January 1, 1979, a governmental entity that is liable for payments in lieu of contributions shall pay to the division for the fund the amount of all regular benefits and all extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraph (a) or paragraph (b):

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bears to the total base period wages paid to the individual by all of his base period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bears to the total base period wages paid to the individual by all of his base period employers.

(5) Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of subdivision 3 (1), may file a joint application to the division for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subdivision. Upon approval of the application, the division shall establish a group account for such employers effective as of the beginning of the calendar quarter in which the application was received and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the director or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bears to the total wages paid during such quarter for service performed in the employ of all members of the group. The director shall prescribe such regulations as he deems necessary with respect to applications for establishment,

maintenance and termination of group accounts that are authorized by this subdivision, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subdivision by members of the group and the time and manner of such payments.

4. Any employer which elects to make payments in lieu of contributions into the unemployment compensation fund as provided in subsection 3(1) of this section shall not be liable to make such payments with respect to the benefits paid to any individual whose base period wages include wages for previously uninsured work as defined in section 288.030.18 to the extent that the unemployment compensation fund is reimbursed for such benefits pursuant to section 121 of Public Law 94-566.

288.100. Experience rating—employer accounts, credits and charges.—

1. (1) The division shall maintain a separate account for each employer which is paying contributions, and shall credit his account with all contributions which he has paid. A separate account shall be maintained for each employer making payments in lieu of contributions to which shall be credited all such payments made. The account shall also show payments due as provided in section 288.090. The division may close and cancel such separate account after a period of four consecutive calendar years during which such employer has had no employment in this state subject to contributions. Nothing in this law shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Except as provided in subdivision (4) of this subsection and subsection 4 of this section, regular benefits and that portion of extended benefits not reimbursed by the federal government paid to an eligible individual shall be charged against the accounts of his base period employers who are paying contributions in inverse chronological order to the order in which the employment of such individual occurred, commencing with his last base period employer subject to the provisions of subdivision 288.090.3 (4). The maximum amounts of regular benefits so charged against the account of any employer shall not exceed thirty-three and one-third percent of the wages paid to such individual by each employer for employment which occurs on and after the first day of such individual's base period, but not more than one-third of his wage credits for each calendar quarter. Except as provided in paragraph (a) of this subdivision, the maximum amount of extended benefits paid to an individual and charged against the account of any employer shall not exceed one-twelfth of the wages paid to such individual by each employer for employment which occurs on and after the first day of such individual's base period, but not more than one-twelfth of his wage credits for each calendar quarter. The charges shall be made inversely by calendar quarters and the total charges for regular benefits with respect to any individual claimant against all employers in any calendar quarter shall not exceed one-third of his wage credits for such quarter. Except as provided in paragraph (a) of this subdivision, the total charges for extended benefits with respect to any individual claimant against all employers in any calendar quarter shall not exceed one-twelfth of his wage credits for such quarter. The division shall by regulation prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed service in employment during the same calendar quarter or performed service in employment at the same time and the manner in which partial unemployment benefits shall be charged against the accounts of employers.

(a) The provisions of subdivision (1) of this subsection notwithstanding, with respect to weeks of unemployment beginning after December 31, 1978, the maximum amount of extended benefits paid to an individual and charged against the account of an employer which is an employer pursuant to section 288.032.2 (3) and which is paying contributions pursuant to subsections 1 and 2 of section 288.090 shall not exceed one-sixth of the wages paid to such individual by each such employer for employment which occurs on and after the first day of such individual's base period.

(2) Beginning as of June 30, 1951, and as of June thirtieth of each year thereafter,

any unassigned surplus in the unemployment compensation fund which is five hundred thousand dollars or more in excess of five-tenths of one percent of the total taxable wages paid by all employers for the preceding calendar year as shown on the division's records on such June thirtieth shall be credited on a pro rata basis to all employer accounts having a credit balance in the same ratio that the balance in each such account bears to the total of the credit balances subject to use for rate calculation purposes for the following year in all such accounts on the same date. As used herein the term "unassigned surplus" means the amount by which the total cash balance in the unemployment compensation fund exceeds a sum equal to the total of all employer credit account balances. The amount thus prorated to each separate employer's account shall for tax rating purposes be considered the same as contributions paid by the employer and credited to his account for the period preceding the calculation date except that no such amount can be credited against any contributions due or that may thereafter become due from such employer.

(3) The division shall at least once each calendar quarter notify each employer by mail of the benefits as determined by the division which have been charged to his account subsequent to the last notice.

(4) (a) No benefits based on wages paid prior to the date of any act for which a claimant is disqualified under section 288.050 shall be chargeable to any employer directly involved in such disqualifying act.

(b) In the event the deputy has in due course determined under paragraph (a) of subdivision (1) of subsection 1 of section 288.050 that a claimant quit his work with an employer for the purpose of accepting a more remunerative job with another employer which he did accept and earn some wages therein no benefits based on wages paid prior to the date of the quit shall be chargeable to the employer the claimant quit.

(c) In the event the deputy has in due course determined under paragraph (b) of subdivision (1) of subsection 1 of section 288.050 that a claimant quit temporary work in employment with an employer to return to his regular employer, then, only for the purpose of charging base period employers, all of the wages paid by the employer who furnished the temporary employment shall be combined with the wages actually paid by the regular employer as if all such wages had been actually paid by the regular employer.

(d) No charge shall be made against an employer's account in respect to benefits paid an individual if the gross amount of wages paid by such employer to such individual is one hundred and twenty dollars or less during the individual's base period on which his benefit payments are based. Further, no charge shall be made against any employer's account in respect to benefits paid any individual unless such individual was in employment with respect to such employer longer than a probationary period of three weeks or if on a monthly compensation basis, of one month, if such probationary period of employment has been reported to the division as required by regulation.

(e) Nothing in paragraphs (b), (c) and (d) shall in any way affect the benefit amount, duration of benefits or the wage credits of the claimant.

2. The division may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

3. The division may by regulation provide for the compilation and publication of such data as may be necessary to show the amounts of benefits not charged to any individual employer's account classified by reason no such charge was made and to show the types and amounts of transactions affecting the unemployment compensation fund.

4. No charge shall be made against the account of an employer which is paying contributions with respect to benefits paid to any individual based on base period wages which were paid for services performed in previously uninsured work as defined in

section 288.030.18 to the extent that the unemployment compensation fund is reimbursed for such benefits pursuant to section 121 of Public Law 94-566.

Section 2. Regulations to expire, when, exception—rulemaking power under sections 288.030 and 288.032 to 288.105 expire November 30, 1981.—Any regulation issued pursuant to this chapter after the effective date of this act shall expire two years after promulgation thereof unless, prior to such date, both houses of the general assembly, by concurrent resolution approved by the governor, shall approve such regulation. All authority to promulgate regulations under this act shall terminate November 30, 1981.

Section 3. Invalidity of Public Law 94-566, effect of.—If Public Law 94-566 is stayed or adjudged unconstitutional or invalid in its application to state or local government employees by a court of competent jurisdiction, then the coverage of those employees under this act is automatically repealed to the extent of the adjudged inapplicability.

Approved June 14, 1977.

[H. B. 84]

LABOR AND INDUSTRIAL RELATIONS: Private employment agencies.

AN ACT to repeal sections 289.010, 289.020, 289.030, 289.040 and 289.050, RSMo 1969, relating to private employment agencies, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

SECTION

1. Enacting clause.
- 289.005. Definitions.
- 289.010. License required—form of application, contents—conditions to be met—bond required—agency manager to register, qualifications required.
- 289.020. Register to be kept, contents of.

SECTION

- 289.030. Job applicants to receive copy of contract—receipts to be given for fees paid.
- 289.040. Prohibited conduct and activities.
- 289.050. Powers and enforcement duties of director.
- 289.060. Contract void, when—return of fees or deposits, when, failure, effect of.
- 289.070. Penalty for violations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 289.010, 289.020, 289.030, 289.040 and 289.050, RSMo 1969, are repealed and eight new sections enacted in lieu thereof, to be known as sections 289.005, 289.010, 289.020, 289.030, 289.040, 289.050, 289.060 and 289.070, to read as follows:

289.005. Definitions.—As used in this chapter, the following words and terms shall mean:

(1) "Agency manager", the person designated by the employment agency to be responsible for the direction and operation of the placement activities of that agency;

(2) "Applicant", every person who shall use or attempt to use the services of an employment agency in seeking employment;

(3) "Director", the director of the department of consumer affairs, regulation and licensing;

(4) "Employment service or agency", any person, firm or corporation that, for a fee, procures or attempts to procure employment or engagements for persons seeking employment or engagements, or procures or attempts to procure employees for employers seeking the services of employees, or renders vocational guidance or counseling services for a fee if any part of the fee is charged in consideration for procuring or attempting to procure employment or engagements for persons seeking employment or engagements. "Employment service or agency", shall not include an

organization operated by or under the exclusive control of a bona fide nonprofit educational, religious, charitable or eleemosynary institution, nor shall it include a person employing individuals to render part-time or temporary personal services to, for or under the direction of a third person, when the person employing such individuals pays federal social security taxes, state and federal unemployment insurance, workmen's compensation insurance as required by state law, in addition to wages or salaries, and sustains responsibility for the acts of his employees while rendering services to, for or under the direction of a third person, and has no applicant paid liquidated damage clause. For the purposes of subsections 1 to 10 of section 289.010 of this act, "employment service or agency" shall not include a person licensed pursuant to the provisions of chapters 326, 334 and 484, RSMo, operating an employment service or agency in connection with the activity licensed. A person licensed pursuant to the provisions of chapters 326, 334 and 484, RSMo, operating an employment service or agency in connection with the activity licensed shall be deemed to be licensed under the provisions of this act upon compliance with subsection 11 of section 289.010.

(5) "Fee", anything of value including money or property or other valuable consideration charged, collected, received, paid or promised for any service or act rendered or to be rendered by any employment agency;

(6) "Person", an individual, company, society, association, corporation, contractor, subcontractor, partnership, bureau, office or the agent or employee of such a person;

(7) "Department", Missouri department of consumer affairs, regulation and licensing or any division of that department.

289.010. License required—form of application, contents—conditions to be met—bond required—agency manager to register, qualifications required.—
1. No person shall open, keep, maintain, own, or operate any employment agency or carry on any activities constituting an employment agency unless that person has a license therefor as provided in this act.

2. An application for the license shall be made to the department. If the employment agency is owned by an individual, the application shall be signed by that individual; if it is owned by a partnership, the application shall be signed by all the partners; if it is owned by a corporation, association or society, the application shall be signed by the president and treasurer thereof, by whatever title designated and each stockholder owning ten percent or more of the stock of the corporation shall be listed;

3. An application for a license shall be written and in the form prescribed by the director, and shall state truthfully the name under which the employment agency is to be conducted, the street and number of the building or place where the business is to be conducted, and the business or occupations engaged in by each of the persons applying, the name and address of the individual who is responsible for the direction and operation of the placement activities of the agency whether or not that individual is one of the persons applying, whether any such individual has ever been employed by an employment agency, the name and address of each such individual's prior employment during the five years immediately preceding the application, if a corporation the names of all persons owning ten percent or more of the voting stock of the corporation, and such other pertinent information relating to the good moral character of such individuals as the director may require.

4. Upon the receipt of an application for a license, the director shall cause the name and address of the person making application, the name under which the employment agency is to be conducted, and the street and number of the place where the agency is to be conducted, to be posted in a conspicuous place in his public office. The director shall investigate or cause to be investigated the character and responsibility of the owners, partners, corporate officers, stockholders owning ten percent or more of a corporate agency's outstanding shares, and the individual who is responsible for the direction and operation of the placement activities of the agency and shall examine or

cause to be examined the premises designated in the application as the place in which it is proposed to conduct the agency. The director may require persons making application for licenses to be fingerprinted. If it appears from the inspection, examination or investigation made by the director that the owners, partners, corporate officers, stockholders owning ten percent or more of a corporate agency's outstanding shares, or the individual who is responsible for the direction and operation of the placement activities of the agency are not persons of good moral character; or that the place where the agency is to be conducted is not a suitable place therefor; or that the person making application has not complied with the provisions of this act; the application shall be denied and a license shall not be granted. Each application shall be granted or denied within thirty days from the date of its filing. Any license, heretofore or hereafter issued, shall run for a period of one year following the issuance thereof and no later, unless sooner revoked.

5. No license shall be granted to a person to conduct the business of an employment agency in rooms used for living purposes or where boarders or lodgers are kept or where meals are served or where persons sleep or in connection with a building or premises where intoxicating liquors are sold to be consumed on the premises, excepting cafes and restaurants in office buildings. A license may be granted for premises in a hotel if the location is not contiguous to or in the midst of sleeping quarters.

6. No license shall be granted to a person to conduct the business of an employment agency where the name of the employment agency is similar or identical to that of any existing licensed agency or directly or indirectly expresses or connotes any limitation, specification or discrimination as to race, creed, color, age, sex, or national origin, and the lack of intent on the part of the person making application for the license to make any such limitation, specification or discrimination shall be immaterial, except that any presently licensed employment agency bearing a name which directly or indirectly expresses or connotes any such limitation, specification or discrimination may continue to use its present name and may have its license renewed using its present name, provided that it display under the name, wherever it appears, a statement to the effect that its services are rendered without limitation, specification or discrimination as to race, creed, color, age, sex or national origin.

7. Every license shall contain the name of the person licensed, a designation of the city, town or village, street and number of the premises in which the person licensed is authorized to carry on the employment agency, the name of the individual who is responsible for the direction and operation of the placement activities of the agency, and the number and date of the license. The license together with a copy of sections 289.005 through 289.040 and section 289.060 of this act shall be posted in a conspicuous place in the premises of the agency.

8. A license granted as provided in this act shall not be valid for any person other than the person to whom it is issued or any place other than that designated in the license and shall not be assigned or transferred without the consent of the director. Applications for the consent of the director shall be made in the same manner as an application for a license, and all the provisions of this act shall apply to applications for the consent of the director. Neither location of an employment agency nor the persons originally signing the application for license shall be changed without the written consent of the director, and the changes shall be endorsed upon the license. A person who has obtained an employment agency license in accordance with the provisions of this act, may apply for an additional license to conduct an additional employment agency, in accordance with the provisions of this act. The manner of application, and the conditions and terms applicable to the issuance of the additional license shall be the same as for an initial or original license. An additional license fee therefor and an additional bond shall be furnished to the director issuing the additional license, and the terms of the bond shall be such as to make it payable as well to the people of the state of Missouri. The same agency manager may be designated in each such license.

9. Each agency applying for a license shall pay an annual license fee. The annual license fee for each agency shall be one hundred dollars. All moneys received under the provisions of this act shall be payable to and collected by the state director of revenue and by him deposited in the state treasury to the credit of the general revenue fund.

10. (1) Each application shall be accompanied by a bond in the penal sum of five thousand dollars, signed by a surety company authorized to do business in this state. The aggregate liability of the surety bond shall in no event, exceed the penal sum of the bond;

(2) The bond executed as provided in subdivision (1) of this subsection shall be payable to the state of Missouri and shall be conditioned that the person applying for the license shall comply with this act, and shall pay all damages occasioned to any person by reason of any unlawful act of any licensed person, his agents or employees, while acting within the scope of their employment, made or committed in the business conducted under the license or caused by any other violation of this act in carrying on the business for which the license is granted. The director is authorized to institute suit against the surety for any violation by a licensee;

(3) If, at any time, the surety or sureties become financially irresponsible in the judgment of the director, or insolvent, the licensed person shall, upon notice from the director file a new bond, subject to the provisions of this section. The failure to file a new bond, within fifteen days after the notice is received, in the discretion of the director, shall operate as a suspension of the license and the license shall be thereupon returned to the director;

(4) All claims or suits brought in any court against a licensed person may be brought in the name of the person damaged upon the bond deposited by the licensed person as provided in this section and may be transferred and assigned as other claims for damages in civil suits. The amount of damages claimed by the plaintiff, and not the penalty named in the bond, shall determine the jurisdiction of the court in which the action is brought. Where a licensed person has departed from the state with intent to defraud his creditors or to avoid the service of a summons in action brought under this section, service shall be made upon the surety in the manner otherwise provided in this state for service of a summons. A copy of the summons shall be mailed to the last known post-office address of the residence of the licensed person and the place where he conducted the employment agency, as shown by the records of the director.

11. (1) No employment agency license shall be issued or remain in effect, nor shall any person licensed pursuant to the provisions of chapters 326, 334 and 484, RSMo, operating an employment service or agency in connection with the activity licensed be deemed to be licensed under the provisions of this act until the individual designated as the agency manager registers with the department. Application for registration shall be made upon forms prescribed by the department. Each individual desiring to be registered as an agency manager shall be furnished a booklet containing the following:

- (a) Laws pertaining to employment agencies;
- (b) Laws pertaining to employment discrimination;
- (c) Other pertinent labor laws.

Before being registered, each agency manager shall read the booklet and sign a statement that he has read the booklet and fully understands the information contained therein. Each registration under this section shall remain in force until revoked by the director or until the registrant leaves the agency;

(2) Registration as an agency manager may be suspended or revoked by the director in accordance with the provisions of section 289.050;

(3) All existing agency managers shall have six months from the date on which this act becomes effective to comply with the provisions of this section.

289.020. Register to be kept, contents of.—It shall be the duty of every licensed employment service or agency to keep a register in which shall be entered the date of each application for employment received and the name and address of every applicant from whom a fee or deposit is received or charged, the amount of the fee or deposit and

the service for which it is received or charged. The licensed person shall also enter in the same or in a separate register, the name and address of every employer from whom a fee is received or charged or to whom the licensed person referred an applicant who has paid or is charged a fee, the date of the employer's request or assent that applicants be furnished, the kind of position for which the applicants are requested, the names of the applicants sent from whom a fee or deposit is received, charged or to be charged with the designation of the one employed, the amount of the fee or deposit received, charged, or to be charged and the rate of salary or wages agreed upon. It shall also be the duty of every licensed person to keep complete and accurate written records of all receipts and income received or derived directly from the operation of his employment agency. No licensed person, his agent or employees shall make any false entry in the records. Every register kept and a copy of each receipt issued pursuant to the requirements of this act shall be retained on the premises of the agency for five years following the date on which the entry thereon was made. The register shall be open to the inspection and examination of the director and his agent, or agents, deputies or assistants during regular business hours.

289.030. Job applicants to receive copy of contract—receipts to be given for fees paid.—It shall be the duty of every employment agency to give to each applicant for employment:

- (1) A copy of every contract and agreement executed by the parties;
- (2) Information as to the name and address of the person to whom an applicant is referred for employment, the kind of service to be performed, the anticipated rate of wages or compensation, the percentage of the anticipated wage to be charged by the agency as a fee, and the exact amount of the fee in dollars, whether the employment is permanent or temporary, and the name and address of the person authorizing the hiring of the applicant. The foregoing information shall be provided the applicant at any time prior to the time the applicant becomes obligated to pay a fee;

- (3) A receipt for any fee, deposit, consideration, or payment received from an applicant shall have printed or written on it the name of the applicant, the name and address of the employment agency, the date and amount of the fee, deposit, consideration or payment or portion thereof for which the receipt is given, and the purpose for which it was paid.

289.040. Prohibited conduct and activities.—An employment agency shall not engage in any of the following activities or conduct:

- (1) Induce or attempt to induce any employee placed by that agency to terminate his employment in order to obtain other employment through the agency; or procure or attempt to procure the discharge of any person from his employment;

- (2) Publish or cause to be published any false or fraudulent information, representation, promise, notice or advertisement;

- (3) Advertise in newspapers or otherwise, unless the advertising contains the name of the employment agency and the word "employment agency" or "employment service";

- (4) Direct an applicant to an employer for the purpose of obtaining employment without having first obtained a bona fide order therefor; however, a qualified applicant may be directed to an employer who has previously requested that he regularly be accorded interviews with applicants of certain qualifications, as long as this fact is disclosed to the applicant prior to the referral being made. Likewise, an employment agency may attempt to sell the services of an applicant to an employer from whom no job order has been received as long as this fact is told to the applicant before he is directed to the employer;

- (5) Send or cause to be sent any person to any employer where the employment agency knows or reasonably should have known, that the prospective employment is or would be in violation of state or federal laws governing minimum wages or child labor, or that a labor dispute is in progress without notifying the applicant that a labor dispute

exists at the place of the employment, or make any referral to an employment or occupation prohibited by law;

(6) Send or cause to be sent any person to any place which the employment agency knows or reasonably should have known is maintained for immoral or illicit purposes;

(7) Receive or accept any valuable thing or gift as a fee or in lieu thereof, nor divide or share, either directly or indirectly, the fees collected by the employment agency with contractors, subcontractors, employers or their agents, foremen or anyone in their employ, or if the contractors, subcontractors or employers be a corporation with any of the officers, directors or employees of the same to whom applicants for employment are sent;

(8) Require applicants for employment to subscribe to any publication or incidental service;

(9) Make use or cause to be used any name, sign or advertising device bearing a name which may be similar to or may reasonably be confused with the name of a federal, state, city, county or other government agency;

(10) Charge an applicant a fee exceeding twenty-five percent of the gross salary actually paid to the applicant, if the applicant's employment shall terminate within the first forty-five days of such employment, unless the applicant has left his work voluntarily without good cause or unless the employment was terminated by the employer because of misconduct by the applicant;

(11) Knowingly make any false or misleading promise or representation, give any false or misleading information to any applicant or employer in regard to any employment, work or position, its nature, location, duration, compensation or the circumstances surrounding any employment, work or position including the availability thereof;

(12) Accept a registration fee, except that an employment agency may accept a deposit to be applied to a fee for obtaining employment for an applicant. However, in the event that the applicant does not obtain a situation or employment through the employment agency within one month after making the deposit as aforesaid, then the employment agency, upon demand, shall forthwith repay and return to the applicant the full amount of the deposit therefor paid by the applicant to the employment agency, and the employment agency shall inform each applicant of the right for such repayment;

(13) Impose or attempt to collect any fee from any applicant unless that applicant accepts employment with an employer or one of its divisions to which the applicant was referred by the employment agency, or with the employer to whom originally referred as a result of subsequent contact with that employer;

(14) Charge an applicant a fee exceeding fifty percent of the fee agreed upon for securing employment for an applicant where the applicant, after notifying the employer of acceptance of the position, fails to report to work without just cause.

289.050. Powers and enforcement duties of director.—1. This act shall be enforced by the director.

2. To effectuate the purposes of this chapter, the director or any duly authorized agent, deputies or assistant designated by the director, shall have authority to inspect the premises, registers, contract forms, receipt books, application forms, referral forms, reference forms, reference reports and records of fees charged and refunds made of each employment agency which are essential to the operation of the agency, and of each applicant for an employment agency license or agency manager registration, as frequently as necessary to insure compliance with this act. The director shall have authority to subpoena records and witnesses or otherwise to conduct investigations of any employer or other person where he has reasonable grounds for believing that the employer or person has or is attempting to violate any provisions of this act.

3. Complaints by any person against any person licensed or registered under this act shall be made on forms available from department and shall be signed under oath

and filed with the department. Hearings on the complaints shall be conducted pursuant to section 161.272, RSMo. The director shall keep a record of all the complaints and the disposition of same.

4. Upon a finding by the administrative hearing commission that a licensee or a person registered has violated the provisions of this act, it shall be the duty of the director to reprimand in writing, to place on probation, to revoke or to suspend the license or registration of the person. Whenever the director suspends or revokes the license of any employment agency, or the registration of an agency manager, the determination shall be subject to judicial review in proceedings brought pursuant to section 536.100, RSMo. Deputy directors, or other officials designated to act on behalf of the director, may act upon applications for licenses and registrations, and deny the licenses or registrations.

5. Any person who conducts an employment agency without a valid employment agency license or with an unregistered agency manager is guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, or by confinement in the county jail for not more than one year or by both such fine and confinement.

289.060. Contract void, when—return of fees or deposits, when, failure, effect of.—1. Any contract, agreement, application, or obligation, including any installment contract, promissory note or other instrument evidencing any obligation of an applicant to an employment agency involving any violation of section 289.040 of this act shall be illegal, void and unenforceable.

2. Any applicant who misrepresents any material fact on any documents, and because of such misrepresentation, fails to maintain employment secured through the efforts of the employment agency, shall be liable for all fees to which he would have been liable for the position secured, except that the provision of subdivision (10) of section 289.040 shall apply. The language of this subsection shall be prominently displayed above the signature blank on all contracts and agreements which the applicant is required to execute.

3. An applicant who is entitled to return of a deposit or an excess fee which was paid to an employment agency and does not receive all of the money to which he is entitled may make demand upon the bond of the agency for the amount due and owing.

4. An agency which willfully fails to make payment within 45 days to an applicant after demand in writing as provided in this section may be sued by the applicant to recover an amount equal to all moneys due, plus ten percent interest, court costs and attorney's fees.

5. Any act, method or practice in violation of the provisions of this act shall constitute a violation of section 407.020, RSMo.

289.070. Penalty for violations.—Any person who violates any of the provisions of this act for which no specific punishment is provided, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars or by confinement in the county jail for not more than one year or by both such fine and confinement.

Approved June 1, 1977.

[H. B. 447]

LABOR AND INDUSTRIAL RELATIONS: Limewashing and painting of factories.

AN ACT to repeal section 292.100, relating to the limewashing and painting of factories.

SECTION

1. Repealing clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Repealing clause.—Section 292.100, RSMo 1969, is repealed.

Approved July 19, 1977.

[H. B. 61]

MOTOR VEHICLE, WATERCRAFT AND AVIATION: Motor vehicle license plates for certain veterans.

AN ACT relating to the issuance of special motor vehicle license plates for certain veterans.

SECTION

1. Disabled veteran's license plates, eligibility for.
2. Application for disabled veteran's plates, how made.
3. Plates, how issued, form of.

SECTION

4. Duration of license period—annual proof of inspection and disability required—limitations on issuance.
5. No fee for disabled veteran plates.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Disabled veteran's license plates, eligibility for.—Any person who has served in the armed forces of the United States and who has been honorably discharged or separated therefrom and who has a service connected disability of such a nature that it would, if it had been incurred in service, have entitled him to be awarded an automobile by the United States Federal Government, or who is receiving compensation from the Veterans Administration for total service connected disability, may apply for special motor vehicle license plates as provided in this section.

Section 2. Application for disabled veteran's plates, how made.—Any such person shall make application for special license plates on a form prescribed by the Director of Revenue, and shall submit the application and proof of his disability in the form of a statement from the United States Veterans Administration verifying the person was awarded an automobile by the United States Federal Government because of service incurred disability and or the person is receiving compensation for total service connected disability.

Section 3. Plates, how issued, form of.—The Director of Revenue shall thereupon issue license plates, a registration number and the words "Disabled Veteran". The Director shall determine the size, construction, and color of the license plate.

Section 4. Duration of license period—annual proof of inspection and disability required—limitations on issuance.—License plates issued under this section shall be valid for the duration of the veteran's disability. Each such applicant issued license plates under these provisions shall annually furnish proof of vehicle inspection and proof of disability to the Director. Each person qualifying under this section may license only one motor vehicle under these provisions. No commercial motor vehicle in excess of twelve thousand pounds gross weight may be licensed under the provisions of this section.

Section 5. No fee for disabled veteran plates.—There shall be no fee charged for license plates issued under the provisions of this section.

Approved April 12, 1977.

[H. C. S. H. B. 367, 236, 39 & 503]

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Registration and licensing of motor vehicles.

AN ACT to repeal sections 301.130, 301.150, and 301.290, RSMo 1969, relating to the registration and licensing of motor vehicles, and to enact in lieu thereof six new sections relating to the same subject, and a termination date for certain provisions.

SECTION

- A. Enacting clause.
 301.130. License plates, required slogan and information—special plates—plates, how displayed—tabs to be used—rules to expire, when—rule-making power—terminates November 30, 1981.
 301.150. Sale of vehicle, procedure to follow—use of voided plates, penalty for.

SECTION

- 301.290. Prison Industries to manufacture plates and highway signs—money received for manufacturing plates and signs, how deposited.
 1. Physically disabled, defined—plates for disabled, issued when, how marked.
 2. Personalized license plates, fee—numbers only plate, fee—legislators' plates, how marked.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 301.130, 301.150, and 301.290, RSMo 1969, are repealed and six new sections enacted in lieu thereof, to be known as sections 301.130, 301.150, 301.290, 1, 2, and 3, to read as follows:

301.130. License plates, required slogan and information—special plates—plates, how displayed—tabs to be used—rules to expire, when—rulemaking power terminates November 30, 1981.—1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided herein. Each set of license plates shall bear the name or abbreviated name of this state, the words "Show-me state", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "Show-me state".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration.

3. The background of all license plates, or the letters and numerals thereof, shall be coated with a material which will reflect the lights of other vehicles. The nature and specifications of this material shall be determined after a public hearing by the director of revenue, director of prison industries, and superintendent of the state highway patrol, and shall meet the standards established by the state highway department.

4. Figures on license plates, except those which may be used to designate gross weights for which commercial motor vehicles are registered, shall not be less than three inches in height and the strokes thereof not less than five-sixteenths of an inch in width. In the case of motorcycles and motortricycles the letters and figures shall be not less than one inch in height and the strokes thereof one-eighth of an inch in width. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

5. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, but only one license plate shall be issued for each such vehicle.

6. The plates issued to manufacturers and dealers shall bear the letter "D" preceding the number, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

7. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plate or plates when properly attached shall be prima facie evidence that the required fees have been paid.

8. (1) The director of revenue shall issue annually a tab or set of tabs as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs on the middle of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) The director of revenue shall issue plates for a period of at least five years.

9. The director of revenue may prescribe rules and regulations for the effective administration of this section.

10. Any rule or regulation issued pursuant to this section after the effective date of this act shall expire two years after promulgation thereof unless, prior to such date, both houses of the general assembly, by concurrent resolution approved by the governor, shall approve such rule or regulation. All authority to promulgate rules and regulations under this section shall terminate November 30, 1981.

301.150. Sale of vehicle, procedure to follow—use of voided plates, penalty for.—1. License plates issued to owners of motor vehicles registered under the monthly series system of registration as provided in section 301.030 shall be removed on the sale or transfer of ownership of such vehicles. The plates, if still current, may thereafter be retained and preserved by the person to whom issued, to be fastened to such other motor vehicles as he shall thereafter register in his name.

2. If application for registration of another motor vehicle is not made to the director of revenue within one year following the sale or transfer of ownership of a motor vehicle, the license plates held by the person who sold or transferred ownership of such motor vehicle shall be declared void, and new license plates bearing the same numbers may be issued to another registrant.

3. It shall be unlawful to fasten voided plates to any motor vehicle. Violation of this section shall be deemed a misdemeanor.

301.290. Prison Industries to manufacture plates and highway signs—money received for manufacturing plates and signs, how deposited.—1. The division of prison industries of the division of corrections shall purchase, erect and maintain all of the machinery and equipment necessary for the manufacture of the license plates and tabs issued by the director of revenue, and of signs used by the state highway department.

2. The director of revenue shall procure all plates and tabs issued by him and the state highway department shall procure all signs used by it from the division of prison

industries, unless an emergency arises and the division of prison industries cannot furnish the plates, tabs or signs.

3. The division of prison industries shall furnish the plates, tabs and signs at such a price as will not exceed the price at which such plates, tabs and signs may be obtained upon the open market, but in no event shall such price be less than the cost of manufacture, including labor and materials.

4. All moneys derived from the sale of the plates, tabs and signs shall be paid into the state treasury to the credit of the working capital revolving fund as provided in section 216.191, RSMo.

Section 1. Physically disabled, defined—plates for disabled, issued when, how marked.—1. As used in this section the term "physically disabled" means any natural person who has permanently lost the use of one or both legs or one or both arms or any combination thereof or any person who is so severely disabled as to be unable to move freely without the aid of crutches or a wheelchair.

2. Owners or joint owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, upon application, accompanied by affidavit as provided in this section, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of a fee as prescribed by this section, shall be issued a set of motor vehicle license plates for noncommercial vehicles upon which shall be inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to the normal combination of letters and numbers.

3. Application for license plates issued under this section shall be made to the director of revenue and shall be accompanied by an affidavit from a licensed physician to the effect that the applicant is a physically disabled person as defined in this section.

4. No additional fee shall be paid to the director of revenue for the issuance of the license plates herein provided, except for special personalized license plates. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to his compliance with the provisions of this section and any applicable rules or regulations issued by the director.

Section 2. Personalized license plates, fee—numbers only plate, fee—legislators' plates, how marked.—1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers, not to exceed six characters in length. Any person desiring to obtain a special personalized license plate for any motor vehicle other than a commercial motor vehicle shall apply to the director of revenue on a form provided by the director and shall pay a fee of twelve dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. No two owners shall be issued identical plates and no plates shall be issued containing any profane or obscene word or phrase. An owner shall make a new application and pay a new fee each year he desires to obtain special personalized license plates. Once an owner obtains a special personalized license plate, he shall have first priority on those plates for each of the following years that he makes timely and appropriate application. Any person who had a license plate containing numbers only during the year 1976 may make application to the director within one year after the effective date of this act and, upon payment of the additional fee prescribed in this section, shall have first priority on that particular plate for each of the following years that he makes timely and appropriate application.

2. The director may also establish categories of specialized personalized license plates from which license plates may be issued. Any such person that desires a special personalized license plate from any such category shall pay the same additional fee and

make the same kind of application as that required by subsection 1, and the director shall issue such plates in the same manner as other special personalized license plates are issued.

3. The director may also annually issue to a member of the United States Congress while he is holding that office, upon his written request and upon payment of the additional fee specified in subsection 1, special personalized license plates bearing the letters and numbers USS1 and USS2 for the senior and junior United States Senators from Missouri respectively or, in the case of members of the United States House of Representatives, bearing the letters USC together with the number of the representative's district. Only one set of such plates may be issued to any one individual congressman.

4. The director may also annually issue to a member of the general assembly of the state of Missouri while he is holding that office, upon his written request and upon payment of the additional fee specified in subsection 1, special personalized license plates bearing the letter S and the number of the senator's district for a member of the state senate or the letter R and the number of the representative's district for a member of the house of representatives. Only one set of such plates may be issued to any one individual member of the general assembly.

Approved July 19, 1977.

[S. B. 478]

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Hardship driving privileges.

AN ACT to repeal section 302.309, RSMo 1969, relating to hardship driving privileges, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

302.309. Return of license, when—limited hardship licenses, when granted.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 302.309, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 302.309, to read as follows:

302.309. Return of license, when—limited hardship licenses, when granted.—1. Whenever any operator's or chauffeur's license is suspended under sections 302.302 to 302.309, the director of revenue shall return the license to the operator or chauffeur immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303, RSMo.

2. Any operator or chauffeur whose license is revoked under these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts and magistrate courts shall have jurisdiction to hear applications for hardship driving privileges.

(2) When any court of record having jurisdiction finds that a chauffeur or operator is required to operate a motor vehicle in connection with his business, occupation or employment, the court may grant such limited driving privilege as the circumstances of the case justify if the court also finds undue hardship on the individual in earning a livelihood, and while so operating a motor vehicle within the restrictions and limitations of the court order the driver shall not be guilty of operating a motor vehicle without a valid driver's license.

(3) An operator or chauffeur may make application to the proper court in the county in which the operator or chauffeur resides or in the county in which is located his

principal place of business or employment. Any application for a hardship driving privilege shall be accompanied by a copy of the applicant's driving record for the next preceding five years as certified by the director. Any application by an operator for a hardship driving privilege shall also be accompanied by proof of financial responsibility as required by chapter 303, RSMo. Any application by a chauffeur may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application the court in its discretion may grant the hardship driving privilege to the chauffeur solely for the purpose of operating a commercial vehicle whose owner has complied with chapter 303 for that vehicle, and the court's order must state such restriction. When operating a commercial vehicle under such restriction the chauffeur must carry proof that the owner has complied with chapter 303 for that vehicle.

(4) The court order granting the hardship driving privilege shall indicate the termination date of the order, which shall be not later than the end of the period of suspension or revocation. A copy of the order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by him whenever he operates a motor vehicle. A conviction which results in the assessment of points under the provisions of section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle under the authority of a court order terminates the order, and the court in which the conviction occurs shall immediately so notify the driver, the director and the court which granted the order.

(5) No person is eligible to receive hardship driving privilege whose license has been suspended or revoked for the following reasons:

(a) Who has been convicted of any felony in the commission of which a motor vehicle was used or who has been convicted for the second time for violating the provisions of section 564.440, RSMo;

(b) Who at the time he applies for such hardship driving privilege would not be eligible for a chauffeur's or operator's license because of the provisions of subdivisions (1), (2), (4), (5), (6), (7) and (8) of section 302.060;

(c) Because of operating a motor vehicle under the influence of narcotic drugs, drugs as defined in section 195.220, RSMo, or having left the scene of an accident as provided in section 564.450, RSMo;

(d) Who at the time he applies for a hardship driving privilege has previously been granted such a privilege within the period of five years next preceding said application, or who has violated more than once the provisions of section 564.444, RSMo, in said five year period.

Approved June 1, 1977.

[H. C. S. H. R. 375]

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Motor vehicle speed limits.

AN ACT to repeal section 304.009, RSMo Supp. 1975, relating to motor vehicle speed limits, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

SECTION

1. Enacting clause.

SECTION

304.009. Temporary energy crisis speed limit.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 304.009, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 304.009, to read as follows:

304.009. Temporary energy crisis speed limit.—1. Because of an acute shortage of essential energy resources, and for the sole purpose of conserving fuel and for no other purpose, the uniform maximum speed limit upon the roads and highways of this state shall be fifty-five miles per hour.

2. The provisions of this section shall not be construed so as to alter any speed limit set below fifty-five miles per hour by state statute, or ordinance of any political subdivision of the state. Violations of the speed limit set by this section shall not accumulate points until and unless such speed exceeds those maximums set by other state statute, or by ordinance of any political subdivision of the state. The provisions of this section shall in no way be construed to repeal such maximum speed limits set by other state statutes, or ordinances of any political subdivision of this state.

3. The uniform maximum speed set in the manner provided herein shall not apply to the operation of any emergency vehicle as defined in section 304.022.

4. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law.

5. This act shall expire on January 1, 1980.

Approved July 6, 1977.

[H. B. 220]

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Regulation of motor vehicle traffic at railroad grade crossings.

AN ACT relating to the regulation of motor vehicle traffic at railroad grade crossings, with penalty provisions.

SECTION

1. Stop required at railroad grade crossing, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Stop required at railroad grade crossing, when.—1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this subsection, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device, which has been installed pursuant to order of the public service commission under section 389.640, RSMo 1969, gives warning of the immediate approach of a railroad train; or

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train.

2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, unless he can do so safely.

3. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not exceeding two hundred dollars.

Approved July 12, 1977.

[H. C. S. S. B. 164]

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Weight limits on axles for buses.

AN ACT relating to maximum weight limits on axles for buses operating on highways of this state.

SECTION

1. Buses, axle weight limits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Buses, axle weight limits.—The limitations on weight on axles established in section 304.180, RSMo, do not apply to buses. No bus having a greater weight than twenty thousand pounds on one axle or thirty-four thousand pounds on any tandem axle shall be moved on or operated on any highway in this state. The terms "axle" and "tandem axle" as used in this section shall have the same meaning as is provided in section 304.180, RSMo, for other vehicles.

Approved June 8, 1977.

[H. B. 186]

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Commercial motor vehicles stopping at official weigh stations.

AN ACT to repeal section 304.235, RSMo, supp. 1975, relating to commercial motor vehicles stopping at official weigh stations, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

- 304.235. Commercial vehicles licensed for twelve thousand pounds or less not to stop at weigh station, exception.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 304.235, RSMo, supp. 1975, is repealed and one new section enacted in lieu thereof to be known as section 304.235, and to read as follows:

304.235. Commercial vehicles licensed for twelve thousand pounds or less not to stop at weigh station, exception.—All commercial motor vehicles shall be required to stop at an official weigh station, except those licensed for a gross weight of not more than twelve thousand pounds shall not be required to stop unless so directed by a peace officer.

Approved June 8, 1977.

[H. C. S. S. B. 151]

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Watercraft regulation.

AN ACT to repeal section 306.090, RSMo 1969, relating to watercraft regulation, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

- 306.090. Maximum sound levels for recreational motorboats—exceptions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 306.090, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 306.090, to read as follows:

306.090. Maximum sound levels for recreational motorboats—exceptions.—

1. It is unlawful for any person to operate a recreational motorboat upon the waters of this state in any manner under any condition so that the recreational motor boat emits sound at a level exceeding eighty-six decibels on an a-weighted scale when measured from a distance of fifty or more feet from the recreational motorboat.

2. This section shall not be construed so as to prohibit the use of any exhaust system or device, including but not limited to those not discharging water with exhaust gases as long as the device or system emits sound at a level in compliance with subsection 1 of this section.

3. The provisions of this section do not apply to motorboats operated under permit pursuant to section 306.130, nor to trial runs for a period not exceeding the twenty-four hours immediately preceding a regatta or race, nor to official trials in competition for speed records for a period not exceeding the twenty-four hours immediately preceding a regatta or race.

Approved July 6, 1977.

(H. B. 176)

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Safe operation of vessels and motorboats.

AN ACT to repeal section 306.100, RSMo 1969, relating to the safe operation of vessels and motorboats, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

306.100. Classification of boats—equipment requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 306.100, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 306.100, to read as follows:

306.100. Classification of boats—equipment requirements.—1. For the purpose of this section, motorboats shall be divided into four classes as follows:

- (1) Class A, less than sixteen feet in length;
- (2) Class 1, at least sixteen and less than twenty-six feet in length;
- (3) Class 2, at least twenty-six and less than forty feet in length;
- (4) Class 3, at least forty and not more than sixty-five feet in length.

2. Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

- (1) Motorboats of classes A and 1:

- (a) A bright white light aft to show all around the horizon.

- (b) A combined light in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points (22½ degrees) abaft the beam on their respective sides.

- (2) Motorboats of classes 2 and 3:

- (a) A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (22½ degrees) of the compass, so fixed as to throw the light ten points (11½ degrees) on each side of the vessel, namely, from right ahead to two points (22½ degrees) abaft the beam on either side.

- (b) A bright white light aft to show all around the horizon and higher than the white light forward.

- (c) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points (11½ degrees) of the compass, so fixed as to throw

the light from right ahead to two points ($22\frac{1}{2}$ degrees) abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points ($112\frac{1}{2}$ degrees) of the compass, so fixed as to throw the light from right ahead to two points ($22\frac{1}{2}$ degrees) abaft the beam on the portside. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow.

(3) Motorboats of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by this section and a twelve point (135 degree) white light aft. Motorboats of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened, prescribed by this section and a twelve point (135 degree) white light aft.

(4) All motorboats between the hours of sunset and sunrise that are not underway, moored at permanent dockage or attached to an immovable object on shore so that they do not extend more than fifty feet from the shore shall display one three hundred sixty degree light visible three hundred sixty degrees around the horizon.

(5) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(6) When propelled by sail and machinery every motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

3. Any vessel not defined as a motorboat shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

4. Any vessel may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, 1960, federal act of September 24, 1963 (33 USC 1051-1053) and (1061-1064) as amended, in lieu of the lights required by subsection 2 of this section.

5. All other vessels over sixty-five feet in length and those propelled solely by wind effect on the sail shall display lights prescribed by federal regulations.

6. Any vessel used by a person engaged in the act of sport fishing is not required to display any lights required by this section if no other vessel is within the immediate vicinity of the first vessel, the vessel is using an electric trolling motor and the vessel is within fifty feet of the shore.

7. Every motorboat, except those in class A, shall have on board at least one wearable personal flotation device of type I, II or III for each person on board and each skier who is not wearing one. Every such motorboat shall also have on board at least one type IV throwable personal flotation device.

8. All class A motorboats and all canoes and kayaks other than class A motorboats, canoes and kayaks traveling on rivers, streams or creeks shall have on board at least one type I, II, III or IV personal flotation device for each person on board and each skier who is not wearing one.

9. All life saving devices required by subsections 6 and 7 of this section shall be United States Coast Guard approved, in serviceable condition and so placed as to be readily accessible.

10. Every motorboat which is carrying or using inflammable or toxic fluid in any enclosure for any purpose, and which is not an entirely open motorboat, shall have an efficient natural or mechanical ventilation system which must be capable of removing resulting gases prior to and during the time the motorboat is occupied by any person.

11. Motorboats shall carry on board at least the following fire extinguishers:

(1) Every class A and every class I motorboat with an enclosed gasoline storage tank, a gasoline tank with a capacity of at least twelve gallons or a permanently installed gasoline tank, one B1 type fire extinguisher;

(2) Every class 2 motorboat, one B2 or two B1 type fire extinguishers;

(3) Every class 3 motorboat:

(a) Three B1 type fire extinguishers; or

(b) One B2 type and one B1 type fire extinguisher; or

(c) A fixed fire extinguishing system and one B2 type fire extinguisher; or

(d) A fixed fire extinguishing system and two B1 type fire extinguishers.

12. All class 1 motorboats shall have a sounding device. All class 2 motorboats shall have at least a sounding device and one bell.

13. No person shall operate any vessel which is not equipped as required by this section.

14. A division of water safety officer may direct the operator of any vessel being operated without sufficient personal flotation devices, fire-fighting devices or in an overloaded or other unsafe condition or manner to take whatever immediate and reasonable steps are necessary for the safety of those aboard when, in the judgment of the officer, such operation creates a hazardous condition. The officer may direct the operator to return the vessel to the nearest safe mooring and to remain there until the situation creating the hazardous condition is corrected.

15. A division of water safety officer may remove any unmanned or unattended vessel from the water when, in the judgment of the officer, the vessel creates a hazardous condition.

Approved July 19, 1977.

[S. B. 194]

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Water patrol.

AN ACT to repeal sections 306.161 and 306.165, RSMo Supp. 1975, relating to water patrol, and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.

306.161. Division authorized to employ personnel.

SECTION

306.165. Water patrolman, powers, duties and jurisdiction of.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 306.161 and 306.165, RSMo Supp. 1975, are repealed and two new sections enacted in lieu thereof, to be known as sections 306.161 and 306.165, to read as follows:

306.161. Division authorized to employ personnel.—The division is authorized to employ, within the limits of appropriations made therefor and subject to the provisions of chapter 36, RSMo, such personnel as may be necessary to properly perform the duties of the division, and the division shall prescribe their duties and responsibilities.

306.165. Water patrolman, powers, duties and jurisdiction of.—Each water patrolman appointed by the division of water safety and each of such other employees as may be designated by the division, before entering upon his duties, shall take and subscribe an oath of office to perform his duties faithfully and impartially, and shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting him all the powers of a peace officer to enforce all laws of this state, except for search and seizure, upon all of the following:

(1) The waterways of this state bordering the lands set forth in the subdivisions (2), (3), (4), and (5) of this section;

(2) All federal land, where not prohibited by federal law or regulation, and state land adjoining the waterways of this state;

(3) All land within three hundred feet of the areas in subdivision (2);

(4) All land adjoining and within six hundred feet of any waters impounded in areas not covered in subdivision (2) with a shoreline in excess of four miles;

(5) All land adjoining and within six hundred feet of the Mississippi, Missouri, Grand and Osage Rivers and such rivers as empty into said rivers for a distance of five miles from the mouth thereof, excluding therefrom all incorporated cities, towns and villages; provided however, the waterways adjacent to the incorporated cities, towns and villages on said rivers are included in the subdivision (1) hereof.

Each water patrolman may board any boat during daylight hours for the purpose of making any inspection necessary to determine compliance with the provisions of this chapter. It is further provided that each water patrolman shall be bonded in like manner and amount as sheriffs under section 57.020, RSMo. Each water patrolman shall, within six months after receiving his certificate of appointment, satisfactorily complete a law enforcement training course including at least one hundred and twenty hours of actual instruction conducted by any municipal police department authorized by law to operate police training courses or the state highway patrol or any accredited college.

Approved July 19, 1977.

[H. B. 79]

MOTOR VEHICLES, WATERCRAFT AND AVIATION: Bicycle equipment.

AN ACT relating to bicycle equipment, lighting, reflectorization and operation with a penalty provision and an effective date.

SECTION

1. Bicycle defined.
2. Brakes required.
3. Lights and reflectors, when required—standards to be met.
4. Rights and duties of bicycle riders.

SECTION

5. Riding to right and mandatory use of bicycle paths required.
6. Penalty for violation.
7. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Bicycle defined.—As used in this act the word "bicycle" shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices.

Section 2. Brakes required.—Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

Section 3. Lights and reflectors, when required—standards to be met.—Every bicycle when in use on a street or highway during the period from one-half hour after sunset or one-half hour before sunrise shall be equipped with the following:

(1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred feet;

(2) A rear-facing red reflector, at least two square inches in reflective surface area, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred feet;

(3) Essentially colorless or amber reflectors on both the front and rear surfaces of all pedals. Each pedal reflector shall be recessed below the plane of the pedal or reflector housing. Each reflector shall be at least ninety one-hundredths square inches in projected effective reflex area, and must be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred feet, and,

(4) A side-facing essentially colorless or amber reflector visible on each side of the wheel mounted on the wheel spokes of the front wheel within three inches of the inside of the wheel rim and a side-facing essentially colorless or red reflector mounted on the wheel spokes of the rear wheel within three inches of the inside of the wheel rim, or continuous retroreflective material on each side of both tires which shall be at least three-sixteenths of an inch wide. All such reflectors or retroreflective tire sidewalls shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred feet.

Section 4. Rights and duties of bicycle riders.—Every person riding a bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by chapter 304, RSMo, except as to special regulations in this act and except as to those provisions of chapter 304 which by their nature can have no application.

Section 5. Riding to right and mandatory use of bicycle paths required.—

1. Every person operating a bicycle upon a street or highway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

2. Wherever a usable path for bicycles practical for sustained riding for transportation purposes has been officially designated adjacent to a street or highway, bicycle riders shall use such path and shall not use the street or highway.

Section 6. Penalty for violation.—Any person seventeen years of age or older who violates any provision of this act is guilty of an infraction, and upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars. Such an infraction does not constitute a crime and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under seventeen years of age violates any provision of this act in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, said officer may impound the bicycle involved for a period not to exceed five days upon issuance of a receipt to the child riding it or to its owner.

Section 7. Effective date.—This act shall become effective on January 1, 1978.
Approved July 6, 1977.

[S. S. B. 272]

PUBLIC SAFETY AND MORALS: State Fire Marshall's powers and duties.

AN ACT to repeal section 320.230, RSMo Supp. 1975, relating to the state fire marshal's powers and duties, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

320.230. Investigations conducted—cooperation with local officials required.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 320.230, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 320.230, to read as follows:

320.230. Investigations conducted—cooperation with local officials required.—1. The state fire marshal shall conduct investigations and may conduct hearings into the cause, origin, or circumstances of fire losses and shall cooperate with

the appropriate fire or police officials of this state or its political subdivisions in investigations of the cause, origin, or circumstances of fires, explosions, or related occurrences involving the possibility of arson or related offenses.

2. The state fire marshal and his paid investigators who have completed at least two hundred-forty hours of basic police training as approved by the director of the department of public safety shall have the power of arrest for fire related offenses only, and only when investigating the cause, origin, or circumstances of fires, explosions, or like occurrences involving the possibility of arson, or related offenses, and in connection with such offenses when aiding and assisting the sheriff of any county or the chief of police of any municipality, or their designated representatives, at their request and while engaged in the performance of their duties as herein prescribed shall be deemed peace officers if they shall be assaulted.

Approved August 11, 1977.

[S. C. S. H. S. H. B. 216]

PUBLIC SAFETY AND MORALS: Fire protection districts and taxation therefor.

AN ACT to repeal sections 321.120, 321.225, 321.240, 321.243, and 321.620, RSMo 1969, relating to fire protection districts and taxation therefor, and to enact in lieu thereof seven new sections relating to the same subject.

SECTION

1. Enacting clause.
- 321.120. Election before decree becomes conclusive—notice to be published—form of ballot—orders after election—first directors.
- 321.225. Emergency ambulance service, when—tax levy, election—emergency defined.
- 321.240. Tax levy, election, when—form of ballot.
- 321.241. Additional tax levy, when—form of ballot.

SECTION

- 321.243. Tax authorized for dispatching center—determination of availability—fund payments from (constitutional charter counties).
- 321.620. Ambulance service, district may provide—emergency defined—election, how called (first class counties).
- 321.690. Audits to be performed, when—rules promulgated under this section expire, when, exception—rulemaking authority expires November 30, 1981—audit reports, where filed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 321.120, 321.225, 321.240, 321.243, and 321.620, RSMo 1969, are repealed and seven new sections enacted in lieu thereof, to be known as sections 321.120, 321.225, 321.240, 321.241, 321.243, and 321.620 and 321.690 to read as follows:

321.120. Election before decree becomes conclusive—notice to be published—form of ballot—orders after election—first directors.—1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the duly qualified electors residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the duly qualified electors of the district voting on the proposition at an election held for that purpose. Such election may be held separately, or may be consolidated or held concurrently with any other election, general or special, provided for in this chapter or otherwise. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three persons to act as the first board of directors, shall fix the date for holding the election, which date shall be at least sixty days after the date of the order, shall prescribe the form of ballots to be used, direct the publication of notice of the election, and such other details as may be necessary for the

orderly conduct of such elections. The last publication shall be not more than seven days before the date of the election.

2. The proposition of incorporating the district may be submitted on a separate ballot, or on the same ballot as the election of the board or any other proposition. The ballot submitting the proposition of incorporating the district shall be in substantially the following form:

OFFICIAL BALLOT

INSTRUCTION TO VOTERS:

TO CAST A VOTE IN FAVOR OF THE INCORPORATION OF THE (HERE INSERT PROPOSED NAME OF DISTRICT.) FIRE PROTECTION DISTRICT OF COUNTY, PLACE A CROSS (X) MARK IN THE SQUARE OPPOSITE THE WORD "YES"; TO VOTE AGAINST THE INCORPORATION OF THE (HERE INSERT PROPOSED NAME OF DISTRICT.) FIRE PROTECTION DISTRICT OF COUNTY, PLACE A CROSS (X) MARK IN THE SQUARE OPPOSITE THE WORD "NO".

TO INCORPORATE AND AUTHORIZE AN INITIAL TAX NOT TO EXCEED THIRTY CENTS PER EACH ONE HUNDRED DOLLARS ASSESSED VALUATION.

YES ☐

NO ☐

3. The proposition of electing the first board of directors or the election of subsequent directors may be submitted on a separate ballot or on the same ballot which contains any other proposition of the fire protection district. The ballot to be used for the election of a director or directors shall be substantially in the following form:

OFFICIAL BALLOT

INSTRUCTION TO VOTERS:

PLACE A CROSS (X) MARK IN THE SQUARE OPPOSITE THE NAME OF THE CANDIDATE OR CANDIDATES YOU FAVOR, (HERE STATE THE NUMBER OF DIRECTORS TO BE ELECTED AND THEIR TERM OF OFFICE.)

ELECTION

(HERE INSERT NAME OF DISTRICT) FIRE PROTECTION DISTRICT OF COUNTY. (HERE INSERT DATE OF ELECTION.)

FOR BOARD OF DIRECTORS

..... ☐

..... ☐

..... ☐

4. The returns shall be certified by the county clerk or board, or boards, of election commissioners to the circuit court having jurisdiction in the cause, and the court shall thereupon canvass the returns and declare the result on all propositions submitted at the election. If upon the canvass and declaration it is found that a majority of the duly qualified electors of the district voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the duly qualified electors voting thereon voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the qualified electors voting thereon, the one receiving the third highest number of votes

to hold office for a term herein provided for, the one receiving the second highest number of votes to hold office until two years and the one receiving the highest number of votes until four years after the first biennial election of board members or until their successors are duly elected or appointed and qualified. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

321.225. Emergency ambulance service, when—tax levy, election—emergency defined.—1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed fifteen cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at the next annual election of the members of the board or at a special election called for the purpose, or upon petition by five hundred duly qualified electors of such district. A separate ballot containing the question shall read as follows:

Shall the board of directors of Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed fifteen cents on the one hundred dollars assessed valuation to provide funds for such services?

☐ For emergency ambulance service and the levy

☐ Against emergency ambulance service and the levy

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of emergency ambulance service and the levy, the district shall forthwith commence such service.

3. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

321.240. Tax levy, election, when—form of ballot.—To levy and collect taxes as herein provided, the board shall in each year determine the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by the last completed assessment, and with other revenues, will raise the amount required by the district annually to supply funds for paying the expenses of organization and operation and the costs of acquiring, supplying and maintaining the property, works and equipment of the district, and maintain the necessary personnel, which rate of levy shall not exceed thirty cents on the one hundred dollars valuation; may fix an additional rate, not to exceed five cents on the hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district, by submitting the following question to the voters at any election in such district at which a member of the board of directors is to be elected or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district:

OFFICIAL BALLOT

Instructions to Voters:

Place an (X) in one square.

Shall the Board of Directors of Fire Protection District be authorized to increase the annual tax rate from cents to cents per one hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

provided, that if the question fails to receive a majority of the votes cast, it shall not be resubmitted to the voters within one year after the election; except, that any district may impose a tax not to exceed ten cents on the one hundred dollars valuation, in addition to the rate which the board may levy under this section, by submitting the following question to the voters at any election in such district at which a member of the board of directors is to be elected:

OFFICIAL BALLOT

Instructions to voters:

Place an (X) in one square.

Shall the Board of Directors of Fire Protection District be authorized to increase the annual tax rate from cents to cents on the hundred dollars assessed valuation?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

and in addition thereto, to fix a rate of levy which will enable it to promptly pay in full when due all interest on and principal of bonds and other obligations of the district, and to pay any indebtedness authorized by a vote of the people as provided in this chapter; and in the event of accruing defaults or deficiencies in the bonded or contractual indebtedness, an additional levy may be made as provided in section 321.260.

321.241. Additional tax levy, when—form of ballot.—1. The board of directors of any fire protection district may levy, if a majority of the voters voting thereon approve, in addition to all other taxes heretofore approved, an additional tax of not more than twenty-five cents per one hundred dollars of assessed valuation to be used for the support of the district.

2. The proposition to levy the tax authorized by this section may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the fire protection district be authorized to levy an additional tax of not more than twenty-five cents on the one hundred dollars assessed valuation to provide funds for the support of the district?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this section, but if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this section, any levy previously authorized shall remain in effect.

321.243. Tax authorized for dispatching center—determination of availability—fund payments from (constitutional charter counties).—

1. Notwithstanding any other provision of law, an additional tax of not to exceed three cents per one hundred dollars of assessed valuation may be levied and collected by any city, town, village, or fire protection district, but all the funds derived from such tax shall be used solely for the purpose of providing a joint, central fire and emergency dispatching service.

2. The additional tax prescribed by this section shall be levied only when the governing body of the city, town, village, or fire protection district determines that a central fire and emergency dispatching center is available, that the center meets the minimum requirements set by section 321.245, and when the governing body has entered into a contract with the center for fire and emergency dispatching services. The funds from the tax shall be kept separate and apart from all other funds of the city.

town, village, or fire protection district, and shall be paid out only on order of the governing body.

321.620. Ambulance service, district may provide—emergency defined—election, how called (first class counties).—1. Fire protection districts in first class counties may, in addition to their other powers and duties, provide ambulance service within their district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed fifteen cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an ambulance service as it does in operating its fire protection service. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

2. The proposition to furnish ambulance service may be submitted by the board of directors at the next annual election of the members of the board or at a special election called for the purpose, or upon petition by five hundred registered voters of such district. A separate ballot containing the question shall read as follows:

Shall the board of fire district be authorized to provide ambulance service within the district and be authorized to levy a tax not to exceed fifteen cents on the one hundred dollars assessed valuation to provide funds for such service?

- ☐ For ambulance service and the levy
- ☐ Against ambulance service and the levy

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of ambulance service and the levy, the district shall forthwith commence such service.

321.690. Audits to be performed, when—rules promulgated under this section expire, when, exception—rulemaking authority expires November 30, 1981—audit reports, where filed.—1. In counties of the first class having a charter form of government and not containing any portion of a city having more than three hundred thousand inhabitants, the governing body of each fire protection district shall cause an audit to be performed consistent with rules and regulations promulgated by the State Auditor. Any rule promulgated pursuant to this section shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this section shall expire on November 30, 1981.

2. (a) All such districts whose annual revenues from all sources and for all funds equal or exceed one hundred thousand dollars shall cause an audit to be performed annually for every fiscal year which commences after September 28, 1977.

(b) All such districts with less than one hundred thousand dollars in total annual revenues shall cause an audit to be performed at least biennially for fiscal years which commence after September 28, 1977; provided, that any fire protection district with less than fifty thousand dollars in annual revenues may, with the approval of the state auditor, be exempted from the audit requirement of this section if it files appropriate reports on its affairs with the state auditor within five months after the close of each fiscal year and if these reports comply with the provisions of Section 105.145, RSMo. These reports shall be reviewed, approved and signed by a majority of the members of the governing body of the fire protection district seeking exemption.

3. Copies of each audit report must be completed and submitted to the fire protection district and the state auditor within six months after the close of the audit period. One copy of the audit report and accompanying comments shall be maintained by the governing body of the fire protection district for public inspection at reasonable times in the principal office of the district. The state auditor shall also maintain a copy of the audit report and comment. If any audit report fails to comply with the rules

promulgated by the state auditor, that official shall notify the fire protection district and specify the defects. If the defects specified are not corrected within ninety days from the date of the state auditor's notice to the district, or if a copy of the required audit report and accompanying comments have not been received by the state auditor within six months after the end of the audit period, the state auditor shall make, or cause to be made, the required audit at the expense of the fire protection district.

Approved July 28, 1977.

[S. B. 62]

PUBLIC SAFETY AND MORALS: Powers and duties of the board of directors of fire protection districts.

AN ACT to repeal section 321.220, RSMo 1969, relating to the powers and duties of the board of directors of fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

321.220. Powers of board.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 321.220, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 321.220, to read as follows:

321.220. Powers of board.—For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

- (1) To have perpetual existence;
- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;
- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, constructions, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) below, involving an expense of two thousand dollars or more;
- (5) Upon approval of the qualified electors, as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;
- (6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;
- (7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;
- (8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance, rules and regulations is hereby declared guilty of a misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the fire district is located shall prosecute such violations in the magistrate court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney, without compensation from the county, for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for the pensioning of the salaried members of its organized fire department of the district, including the pensioning of any such members who become permanently incapacitated for duty as the result of accident or exposure occurring while the members are in the actual performance of their duties, and to provide for the payment of death benefits to the widows and minor children of members of its organized fire department who lose their lives in the performance of their duties; except that no board shall have the authority herein set forth until approved by the qualified voters of the districts concerned as herein provided. On order of the board of a district or on petition of twenty-five qualified voters who are real property owners within the district, an election shall be held on the question of whether the authority of this subdivision shall be exercised by the board and the secretary shall cause to be published notice of the election as herein provided and shall cause to be submitted to the qualified voters of the district at the next annual election of the members of the board or at a special election called for the purpose a separate ballot containing the question:

Shall the board of directors of fire district have the authority to provide for the pensioning of the salaried members of the organized fire department, including the pensioning of any such members who become permanently incapacitated for duty as the result of accident or exposure occurring while the members are in the actual performance of their duties, and to provide for the payment of benefits to the widows and minor children of members of the fire department who lose their lives in the performance of their duties?

YES ☐

NO ☐

If a majority of the qualified voters casting votes thereon at the election be in favor of the question, this subdivision shall take effect in the district forthwith and the board shall then and thereafter effect such a program for the pension and benefit payments authorized at the election as shall be necessary for the operation of the district. Notice of

every election under this subdivision shall be published on the same day of the week, once each week for three consecutive weeks, in a newspaper of general circulation in the county in which the district is located, the last publication to be not more than three nor less than two weeks preceding the election. The proposition authorized by this subdivision shall in no case be referred to the voters more than one time in any twelve-month period. Notwithstanding other provisions of this subdivision, the board of directors of any fire protection district which has a pension system for the salaried members of its fire department in operation on the effective date of this act may provide for the pensioning of any such members who hereafter become permanently incapacitated for duty as the result of accident or exposure occurring while the members are in the actual performance of their duties without submission of the proposition to do so to the qualified voters of the district.

Approved May 26, 1977.

[S. B. 100]

OCCUPATIONS AND PROFESSIONS: Regulation of the practice of accountancy and public accounting.

AN ACT to repeal sections 326.011, 326.012, 326.021, 326.040, 326.050, 326.060, 326.070, 326.080, 326.090, 326.110, 326.111, 326.120, 326.125, 326.130, 326.140, 326.170, 326.200, and 326.210, RSMo 1969, relating to the regulation of the practice of accountancy and public accounting; prescribing the powers and duties of the state board of accountancy, and to enact in lieu thereof twenty-one new sections relating to the same subject, with penalty provisions.

SECTION

- 1. Enacting clause.
- 326.011. Definitions.
- 326.012. Temporary practice by certified public accountants licensed in other states—other exempted activities.
- 326.013. Temporary permit to issue, when.
- 326.021. Use of title Certified Public Accountant or abbreviation C.P.A., when authorized—use of certain titles prohibited.
- 326.022. Injunction authorized, when.
- 326.040. Qualifications for registration.
- 326.050. Corporations entitled to registration, when.
- 326.055. Annual registration required—each office to be supervised by a resident C.P.A.
- 326.060. Qualifications for a certificate—titles and abbreviations authorized.
- 326.110. Board authorized to make rules and regulations—rules to expire, exception—authority to promulgate rules expires November 30, 1981.
- 326.120. Penalty for violations.

SECTION

- 326.121. Use of prohibited titles—single act to sustain conviction or injunction.
- 326.125. Legal representation for board, how obtained.
- 326.130. Grounds for revocation of certificate.
- 326.131. Revocation, suspension or refusal to issue certificate, authorized when.
- 326.132. Proceedings, how instituted—notice required—subpoenas authorized—appeal, how taken.
- 326.133. New or modified certificates to applicants whose certificates have been revoked or suspended, authorized—when.
- 326.170. Powers of board—office in Jefferson City.
- 326.200. Application for certificates, how made—fee—compensation of board members.
- 326.210. Permits to practice, expiration date—late renewal penalty—qualifications required to obtain permit.
- 326.230. Severability clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 326.011, 326.012, 326.021, 326.040, 326.050, 326.060, 326.070, 326.080, 326.090, 326.110, 326.111, 326.120, 326.125, 326.130, 326.140, 326.170, 326.200, and 326.210, RSMo 1969, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 326.011, 326.012, 326.013, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.110, 326.120, 326.121, 326.125,

326.130, 326.131, 326.132, 326.133, 326.170, 326.200, 326.210, and 326.230, to read as follows:

326.011. Definitions.—As used in this act, the following words mean:

- (1) "Board", the Missouri state board of accountancy;
- (2) Masculine terms when used herein shall also include the feminine;
- (3) "State", the term state when used herein includes any state, territory or insular possession of the United States or the District of Columbia;
- (4) "Live permit", an annual permit issued pursuant to section 326.210 which has not expired or been revoked or suspended;
- (5) "Attestation", the opinion of a certified public accountant or public accountant as to the reliability or fairness of information which is used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and non-commercial enterprises, whether public or private, in accordance with generally accepted accounting and auditing standards.

326.012. Temporary practice by certified public accountants licensed in other states—other exempted activities.—Nothing contained in this act shall prohibit:

(1) A certified public accountant of another state, or any accountant who holds a certificate, degree or license in a foreign country, constituting a recognized qualification for the practice of public accountancy in such country, from temporarily practicing in this state on professional business incident to his regular practice outside this state; except that, such temporary practice shall be conducted in conformity with the laws of Missouri and the regulations and rules of professional conduct promulgated by the board.

(2) Any person from signing, delivering or issuing financial, accounting or related statements or reports thereon prepared by him, or under his supervision, if he in no way indicates, or implies, that he has acted, or is acting, in relation to the financial, accounting or related statements, or reports, nor is he attesting to such statements or reports as a certified public accountant or public accountant; or from preparation of tax returns and schedules relative thereto and representation before appropriate governmental agencies with respect to the tax returns, including the preparation of any schedules required for the representation before such agencies;

(3) Any person not a certified public accountant or public accountant from serving as an employee of, or an assistant to, a certified public accountant or public accountant or partnership or corporation composed of certified public accountants or public accountants holding a permit to practice issued under section 326.210 of this act; provided that such employee or assistant shall not issue any accounting or financial statement over his name;

(4) Any trustee, executor, administrator, referee or commissioner, from signing and certifying financial reports incident to his duties in such capacity;

(5) Any attorney at law, or partnership of attorneys at law, or professional corporation of attorneys at law, from signing a financial, accounting or related statement, or report thereon, prepared by him, or them, as an incident to the practice of law;

(6) A person who holds a certificate as a certified public accountant, then in full force and effect, issued under the laws of this or any other state or foreign country, and who does not engage in the practice of public accounting, auditing, bookkeeping or any similar occupation, from using the title certified public accountant or abbreviation "CPA", or in the case of a foreign accountant, the title under which he is generally known in his country;

(7) Any director or officer of a corporation, partner of a partnership, sole proprietor of a business enterprise, member of a joint venture, member of a committee appointed by stockholders, creditors or the courts, or an employee of any of the

foregoing, in his capacity as such from signing, delivering or issuing any financial, accounting or related statement, or report thereon, relating to such corporation, partnership, business enterprise, joint venture or committee, provided such capacity is so designated on such statement or report:

(8) A person who holds a certificate as a certified public accountant, then in force and effect, issued under the laws of this or any other state or foreign country and who is regularly employed by, or is a director or officer of, a corporation, partnership, association, or business trust, in his capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon relating to such corporation, partnership, association, or business trust provided such capacity is so designated thereon, and provided in the signature line the title "CPA", or certified public accountant is not designated thereon.

326.013. Temporary permit to issue, when.—In the event an applicant for a certificate as a certified public accountant has made a prima facie showing that he meets all of the requirements for such a certificate and possesses the experience required for issuance of an annual permit, the board may, in its discretion, issue to him a temporary certificate as a certified public accountant and a temporary permit which shall be effective only until the board shall have had the opportunity to investigate his qualifications and notify him that his application for certificate has been either granted or rejected. In no event shall such temporary certificate and temporary permit be in effect for more than twelve months after the date of its issuance nor shall a temporary certificate or temporary permit be reissued to the same applicant. No fee shall be charged for such temporary certificate or temporary permit. The holder of a temporary certificate and temporary permit which has not expired, or been suspended or revoked, shall be deemed to be the holder of a certificate issued pursuant to section 326.060 and the holder of a permit issued pursuant to section 326.210 until such temporary certificate and temporary permit expires or is suspended or revoked.

326.021. Use of title Certified Public Accountant or abbreviation C.P.A., when authorized—use of certain titles prohibited.—1. No person shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a certified public accountant, unless such person has received a certificate as a certified public accountant under section 326.060 of this act, holds a live permit issued under section 326.210 of this act, and all of such person's offices in this state for the practice of public accounting are maintained and registered as required under section 326.055 provided, however, that a foreign accountant who holds a live permit issued under section 326.210 of this act, may use the title under which he is generally known in his country, followed by the name of the country from which he received his certificate, license or degree.

2. No partnership or corporation shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such partnership or corporation is composed of certified public accountants unless such partnership or corporation is registered as a partnership or corporation of certified public accountants under section 326.040 or 326.050 of this act, holds a live permit issued under section 326.210 of this act, and all offices of such partnership or corporation in this state for the practice of public accounting are maintained and registered as required under section 326.055.

3. No person shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a public accountant, unless such person has received a certificate as a certified public accountant under section 326.060 of this act and holds a live permit issued under section 326.210 of this act and all of such person's offices in this state for the practice of public accounting are maintained and registered as required

under section 326.055; provided, however, persons who, on the effective date of this act, held public accountant certificates theretofore issued under the laws of this state and who shall hold a live permit shall not be prohibited from using such title or designation.

4. No partnership or corporation shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such partnership or corporation is composed of public accountants, unless such partnership or corporation is registered as a partnership or corporation of public accountants or certified public accountants under section 326.040 or 326.050 of this act, and holds a live permit issued under section 326.210 of this act and all offices of such partnership or corporation in this state for the practice of public accounting are maintained and registered as required under section 326.055.

5. No person, partnership or corporation shall assume or use the title or designation "certified accountant," or "public accountant," or any other title or designation likely to be confused with "certified public accountant" or "public accountant," or the abbreviations "CPA," or "PA," or similar abbreviations likely to be confused with "CPA" or "PA"; except anyone who holds a live permit issued under section 326.210 of this act and all of whose offices in this state for the practice of public accounting are maintained and registered as required under section 326.055 and provided further that a foreign accountant who holds a live permit issued under section 326.210 and all of whose offices in this state for the practice of public accounting are maintained and registered as required under section 326.055, may use the title under which he is generally known in his country, followed by the name of the country from which he received his certificate, license or degree.

6. No person shall sign or affix his name or any trade or assumed name used by him in his profession or business with any wording indicating that he is a certified public accountant or public accountant, or with any wording indicating that he has expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, unless he holds a live permit issued under section 326.210 of this act and all of his offices in this state for the practice of public accounting are maintained and registered under section 326.055; provided, however, that the provisions of this subsection shall not prohibit any officer, employee, partner or principal of any organization from affixing his signature to any statement or report in reference to the affairs of said organization with any wording designating the position, title or office which he holds in said organization, nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such.

7. No person shall sign or affix a partnership or corporate name with any wording indicating that it is a partnership or corporation composed of certified public accountants, public accountants or persons having expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, unless the partnership or corporation holds a live permit issued under section 326.210 of this act and all of its offices in this state for the practice of public accounting are maintained and registered as required under section 326.055.

8. No person or partnership or corporation not holding a live permit issued under section 326.210 of this act shall hold himself or itself out to the public as a "certified public accountant" or "public accountant" by use of any such words on any sign, card, letterhead or in any advertisement or directory, without indicating thereon or therein,

prominently displayed, that such person, partnership or corporation does not hold such a permit; provided, that this subsection shall not prohibit any officer, employee, partner or principal of any organization from describing himself by the position, title or office he holds in such organization; nor shall this subsection prohibit any act of public official or public employee in the performance of his duties as such.

9. No person shall assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership or corporation, or in conjunction with the designation "and company", "and Co." or "and associates" or a similar designation if, in any such case, there is in fact no bona fide partnership or corporation registered under section 326.040 or 326.050 of this act; provided that a sole proprietor or partnership lawfully using such title or designation in conjunction with such names or designation on the effective date of this act, may continue to do so if he or it otherwise complies with the provisions of this act.

326.022. Injunction authorized, when.—Whenever in the judgment of the board any person has engaged, in any acts or practices which constitute, or will constitute, a violation of section 326.021 of this act, the board may make application to the appropriate court for an order enjoining such acts or practices, and upon a showing by the board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order or such other order as may be appropriate shall be granted by such court.

326.040. Qualifications for registration.—1. The board shall authorize the registration, as certified public accountants, of firms and partnerships, provided it be shown to the board that:

(1) Each member or partner of the firm or partnership, resident, or engaged in the practice of public accountancy in the United States is in good standing as a certified public accountant in one or more states; and

(2) Either:

(a) Each resident or local member or partner is the holder of a valid certificate and live permit as a certified public accountant issued under the laws of this state; or

(b) If there be no resident or local member or partner, each resident or local manager is the holder of a valid certificate and live permit as a certified public accountant issued under the laws of this state.

2. After the registration of a firm or partnership with the board, and the obtention of a permit, and not otherwise, the firm or partnership shall be entitled to use the designation "certified public accountant" in connection with the firm or partnership name. When firms or partnerships so registered shall secure annual permits, the name of the firm or partnership shall be listed in the annual register, together with the names of the members and managers thereof, who are local or resident in this state, with the designation "C.P.A." after each name; and the names of nonresident members who hold valid certificates issued under the laws of this state may also be listed.

3. The board shall authorize the registration, as public accountants, of firms or partnerships, and issue to them permits to practice as such; provided, the resident or local partner or partners, or, if there be no resident or local partner, the resident or local manager or managers hold a valid certificate and live permit as a public accountant or as a certified public accountant issued under the laws of this state. After the registration of the firm or partnership with the board, and the obtention of a permit, and not otherwise, the firm shall be entitled to use the designation "public accountant" in connection with the firm or partnership name. When firms or partnerships so registered secure annual permits, the name of the firm or partnership shall be listed in the annual register, together with the names of the partners or managers thereof, local or residence in this state, with the appropriate title or initials representing their respective capacities under this chapter. The names of non-resident partners who hold valid certificates issued under the laws of this state may also be listed.

4. The term "local", as used herein, is intended to denote persons engaged in practicing public accountancy in this state, who spend all or the greater part of their time during business hours in this state, but reside in another state.

326.050. Corporations entitled to registration, when.—1. No corporation, whether organized under the laws of this, or any other state, shall be entitled to registration as a certified public accountant, except a corporation formed pursuant to the professional corporation law of Missouri, or pursuant to the laws of another jurisdiction authorized to practice accounting in such jurisdiction and qualified to do business in this state under the professional corporation law of this state, and which conforms to such corporate practice rules as the board may promulgate, provided further that the president or other managing officer is the holder of a valid certificate and live permit as a certified public accountant in this state.

2. The board is authorized to register corporations as public accountants, and to issue to them permits to practice as such, provided, that such corporations at the effective date of this chapter, were legally organized under the laws of this state, and are entitled under their articles of incorporation and in accordance with the laws of this state, to practice public accountancy, within the meaning of this act; and provided further, that the president or other managing officer is the holder of a valid certificate as a certified public accountant or as a public accountant, and an unexpired permit to practice as such.

3. A corporation referred to in subsection 2 of section 326.050 when duly registered and holding a valid and effective permit, may use the designation "public accountants" in connection with its corporate name and a corporation registered pursuant to subsection 1 of section 326.050 may use the designation "certified public accountant"; provided, however, that whenever the corporate name is used with one of such designation, save in directory listings, the names of the president, secretary and manager of its public accounting department shall also be stated or signed.

4. It is further provided that agricultural nonprofit associations which, on the twenty-third day of November, 1943, were engaged in rendering accounting services to members of their association, to other agricultural or farmers' associations, or to agricultural cooperative associations, shall be registered by the board as a public accountant, under the provisions of this act, and issued a permit to practice as such; provided, however, such registration and permit shall not authorize such associations to render accounting services to others than its members, other agricultural or farmers' associations, and agricultural cooperative associations.

326.055. Annual registration required—each office to be supervised by a resident C.P.A. —Each office established and maintained in this state for the practice of public accounting in this state by a certified public accountant or partnership or corporation of certified public accountants, or by a public accountant or a partnership or corporation of public accountants shall be registered annually under this act with the board but no fee shall be charged for such registration. Each such office shall be under the direct supervision of a resident manager who may be either a principal shareholder or a staff employee holding a certificate as a certified public accountant under section 326.060 and a live permit under section 326.210.

326.060. Qualifications for a certificate—titles and abbreviations authorized.—1. The certificate of "certified public accountant" shall be granted by the board to any person (a) who is a resident of this state or has a place of business herein or, as an employee, is regularly employed herein, and (b) who has attained the age of twenty-one years, and (c) who is of good moral character and (d) who holds a baccalaureate degree conferred by an accredited college or university recognized by the board, with a concentration in accounting, or what the board determines to be substantially the equivalent of the foregoing, (e) who shall have passed a written examination in accounting, auditing, commercial law and such other related subjects as the board shall determine to be appropriate.

2. The board may by regulation provide for granting a credit to a candidate for his satisfactory completion of a written examination in any one or more of the subjects specified in subsection 1 (e) of this section, given by the licensing authority in any other state; provided that when he took such examination in such other state he was not a resident of this state, had no place of business in this state, and, as an employee, was not regularly employed in this state and shall grant credit to a candidate who is licensed by this state as an attorney-at-law for passage of the subject of commercial law. Such regulations shall include such requirements as the board shall determine to be appropriate in order that any examination approved as a basis for any such credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time of the granting of such credit.

3. The board may by regulation prescribe the terms and conditions under which a candidate who passes the examination in one or more of the subjects indicated in subsection 1 (e) of this section, may be reexamined in only the remaining subjects, with credit for the subjects previously passed. It may also provide by regulation for a reasonable waiting period for a candidate's reexamination in a subject he has failed. Subject to the foregoing and such other regulations as the board may adopt governing reexaminations, a candidate shall be entitled to any number of reexaminations under subsection 1 (e) of this section, except a candidate who fails to pass any section or sections of the examination may pay the fee and take those sections of the examination again at any regularly scheduled examination.

4. The board shall charge each candidate a fee, as prescribed in section 326.200 of this act. Fees for reexamination under subsection 1 (e) of this section, shall also be charged by the board as prescribed in section 326.200 of this act. The applicable fee shall be paid by the candidate at the time he applies for examination or reexamination.

5. Any person who has received from the board a certificate as a certified public accountant and who holds a permit issued under section 326.210 of this act, which is in full force and effect, shall be styled and known as a "certified public accountant" and may also use the abbreviation "CPA". Any certified public accountant may also be known as a "public accountant".

6. Persons who, on the effective date of this act, held certified public accountant certificates or public accountant certificates theretofore issued under the laws of this state shall not be required to obtain additional certificates under this act, but shall otherwise be subject to all provisions of this act; and such certificate theretofore issued shall, for all purposes, be considered certificates issued under this act and subject to the provisions hereof.

7. The board may, in its discretion, waive the examination under subsection 1 (e) of this section, and may issue a certificate as a "certified public accountant" to any person possessing the qualifications specified in subsection 1 (a), (b) and (c) of this section, and what the board determines to be substantially the equivalent of the applicable qualifications under subsection 1 (d) of this section who is the holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of any state, or is the holder of a certificate, license or degree in a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this state, which is then in full force and effect.

326.110. Board authorized to make rules and regulations—rules to expire, exception—authority to promulgate rules expires November 30, 1981.—The board shall prescribe rules and regulations consistent with the provisions of this act and may develop and implement a program of voluntary continuing professional education; provided, however, nothing herein contained shall be construed as conferring upon the board the authority to issue rules or regulations on any subject affecting the practice of public accountancy by a person previously licensed as a certified public accountant unless specifically authorized by the General Assembly. Such rules and regulations may include:

- (1) Rules of procedure for governing the conduct of matters before the board;
- (2) Rules of professional conduct for establishing and maintaining high standards of competence and integrity in the profession of public accountancy;
- (3) Regulations governing educational requirements for issuance of the certificate of certified public accountant;
- (4) Regulations governing corporations practicing public accounting, including but not limited to rules concerning their style, name, title, and affiliation with any other organization; and establishing reasonable standards with respect to professional liability insurance and unimpaired capital, and prescribing joint and several liability for torts relating to professional services for shareholders of any such corporation failing to comply with such standards;
- (5) Regulations prohibiting competitive bidding which is declared to be contrary to the public interest for professional engagement of certified public accountants or public accountants which regulations are not in conflict with other provisions of law;
- (6) Any rule promulgated pursuant to this chapter shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire on November 30, 1981.

326.120. Penalty for violations.—Any person who violates any provision of section 326.021 of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars, or to confinement in the county jail for not more than one year or to both such fine and confinement. Whenever the board has reason to believe that any person is liable to punishment under this section it may certify the facts to the attorney general of this state or bring other appropriate proceedings.

326.121. Use of prohibited titles—single act to sustain conviction or injunction.—The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or device bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "public accountant" or any abbreviation thereof, shall be *prima facie* evidence in any action brought under section 326.022 or section 326.120 of this act that the person whose name is so displayed, caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device and that such person is holding himself out to be a certified public accountant or a public accountant holding a permit to practice under section 326.210 of this act. In any such action evidence of the commission of a single act prohibited by this act shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

326.125. Legal representation for board, how obtained.—At all proceedings for the enforcement of these or any other provisions of this chapter the board shall, as it deems necessary, select, in its discretion, either (a) the attorney general or one of his assistants designated by him or (b) other legal counsel to appear and represent the board at each stage of such proceeding or trial until its conclusion.

326.130. Grounds for revocation of certificate.—After notice and hearing as provided in section 326.132 of this act, the board may revoke, or may suspend for a period not to exceed one year, any certificate issued under section 326.060 of this act, or any registration granted under section 326.040 or 326.050 of this act, or may revoke, suspend or refuse to renew any permit issued under section 326.210 of this act or may censure the holder of any such permit for any one or any combination of the following causes:

- (1) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under this act or in obtaining a permit to practice public accounting under this act;
- (2) Dishonesty, fraud or gross negligence in the practice of public accounting;

- (3) Violation of any of the provisions of section 326.021 of this act;
- (4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this act;
- (5) Conviction of a felony under the laws of any state or of the United States;
- (6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States, or pleading nolo contendere to any such crime whether or not the imposition of sentencing be suspended and probation be granted;
- (7) Cancellation, revocation, suspension or refusal to renew authority to practice as a certified public accountant or a public accountant by any other state for any cause other than failure to pay an annual registration fee in such other state;
- (8) Suspension or revocation of the right to practice before any state or federal agency;
- (9) Conduct discreditable to the public accounting profession.

326.131. Revocation, suspension or refusal to issue certificate, authorized when.—After notice and hearing as provided in section 326.132 of this act, the board shall revoke the registration and permit to practice of a partnership or corporation if at any time it does not have all the qualifications prescribed by sections 326.040 and 326.050. After notice and hearing as provided in section 326.132 of this act, the board may revoke or suspend the registration of a partnership or corporation or may revoke, suspend or refuse to renew its permit under section 326.210 to practice or may censure the holder of any such permit for any of the causes enumerated in section 326.130.

326.132. Proceedings, how instituted—notice required—subpoenas authorized—appeal, how taken.—1. The board may initiate proceedings under this act either on its own motion or on the complaint of any person.

2. A written notice stating the nature of the charge or charges against the accused and the time and place of the hearing before the board on such charges shall be served on the accused not less than thirty days prior to the date of said hearing either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the board.

3. If, after having been served with the notice of hearing as provided for herein, the accused fails to appear at said hearing and defend, the board may proceed to hear evidence against him and may enter such order as shall be justified by the evidence, which order shall be final unless he petitions for a review thereof as provided herein; provided, however, that within thirty days from the date of any order, upon a showing of good cause for failing to appear and defend, the board may reopen said proceedings and may permit the accused to submit evidence in his behalf.

4. At any hearing the accused may appear in person and by counsel, produce evidence and witnesses on his own behalf, cross-examine witnesses and examine such evidence as may be produced against him. A corporation may be represented before the board by counsel or by a shareholder who is a certified public accountant or public accountant of this state in good standing. The accused shall be entitled, on application to the board, to the issuance of subpoenas to compel the attendance of witnesses on his behalf.

5. The board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs and receive exhibits in evidence in connection with or upon hearing under this act. In case of disobedience to a subpoena the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. The board shall not be bound by technical rules of evidence.

7. A stenographic record of the hearings shall be kept and a transcript thereof filed with the board.

8. The decision of the board shall be by majority vote thereof.

9. Any person aggrieved by a decision of the board to revoke or suspend any

certificate issued under section 326.060 or permit issued under section 326.210 or to refuse to renew any permit issued under section 326.210 may obtain a review of such decision by filing a written petition for review within thirty days after the entry of such decision with the administrative hearing commission. The petition shall state the grounds upon which the review is asked and shall pray that the order of the board be modified or set aside in whole or in part. A copy of such petition shall be served upon the board and thereupon the board shall certify and file with the administrative hearing commission a transcript of the record upon which the decision complained of was entered. The administrative hearing commission shall then proceed to hear the matter in the manner provided in the administrative procedure and review act within the scope of judicial review of section 536.140, RSMo. The decision of the administrative hearing commission shall have the force and effect given it by law and shall be subject to judicial review in the manner provided in the administrative procedure and review act, sections 536.100 to 536.140, RSMo.

10. Complaint may be filed against the board for any cause provided in section 161.302, RSMo, with the administrative hearing commission and the administrative hearing commission shall proceed to hear the charge pursuant to sections 161.282 to 161.322, RSMo, but the administrative hearing commission shall not substitute its discretion for discretion legally vested in the board pursuant to sections 326.060 and 326.110.

326.133. New or modified certificates to applicants whose certificates have been revoked or suspended, authorized—when.—Upon application in writing and after hearing pursuant to notice, the board may issue a new certificate to a certified public accountant whose certificate shall have been revoked, or may permit the reregistration of anyone whose registration has been revoked or may reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended.

326.170. Powers of board—office in Jefferson City.—1. The Missouri state board of accountancy shall have power to adopt and use a seal; to make and amend all rules deemed necessary for the proper administration of this chapter; to hold hearings and conduct examinations; to administer oaths and hear testimony; to require, by summons or subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, respecting any matter under hearing or investigation, pertaining to the issuance, suspension or revocation of certificates or permits herein provided for, and falling within its jurisdiction; and to do and perform all other acts and things herein committed to their charge and administration, or incidental thereto.

2. Said board shall maintain its office in Jefferson City, Missouri.

326.200. Application for certificates, how made—fee—compensation of board members.—1. Every application for the granting of a certified public accountant certificate, or of a public accountant registration certificate, shall be made on a form furnished by the board, and be accompanied by a fee of from ten to twenty-five dollars, as determined by the board, for each subject upon which he is to be examined, not to exceed one hundred twenty-five dollars. For the purposes of this section, accounting practice shall be considered two subjects. For each subsequent sitting, the applicant shall pay a fee of from ten to twenty-five dollars, as determined by the board, for each subject upon which he is to be examined, not to exceed one hundred and twenty-five dollars. For the issue of each certified public accountant certificate, the grantee shall pay a fee of ten dollars.

2. A fee of from thirty to fifty dollars, as determined by the board, shall be charged each year for the issuance of each permit to practice public accountancy issued to any holder of a certified public accountant certificate or of a public accountant certificate whether he be in practice as an individual or as a partner or firm member or as an employee of a corporation, firm or partnership, and a fee of from sixty to one hundred

dollars, as determined by the board, shall be charged each year for the issuance of each permit to practice accountancy issued to any registered corporation. All fees payable under the provisions of this chapter shall be collected by the division of collection in the department of revenue, who shall deposit same in the state treasury to the credit of a fund to be known as the "State Board of Accountancy Fund" and not more than eighty percent thereof shall thereafter be appropriated for the board's operation.

3. The members of the board shall receive as compensation for their services fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of their expenses necessarily incurred in the discharge of their official duties. All claims for compensation and expenses shall be presented and allowed in open meeting of the board. No compensation or expenses of members of the board, its officer or employees shall be charged against the general funds of the state, but must be paid out of the state board of accountancy fund.

326.210. Permits to practice, expiration date—late renewal penalty—qualifications required to obtain permit.—1. Permits to engage in the practice of public accounting in this state shall be issued by the board, upon payment of the fee as prescribed pursuant to section 326.200, to holders of the certificates of certified public accountants issued under section 326.060 of this act, and to holders of public accountant certificates, and to firms, partnerships and corporations registered under section 326.040 or 326.050 of this act. All permits shall expire on the last day of June of each year and may be renewed annually for a period of one year by certificate holders and registrants in good standing upon payment of an annual renewal fee as prescribed pursuant to section 326.200. A permit holder whose permit has expired and who has not renewed his permit by August thirty-first of the year of expiration may renew his permit upon payment of the annual permit fee together with a delinquent charge of five dollars for each month elapsed since expiration of the permit not to exceed a total delinquent charge of twenty-five dollars. Permits to engage in the practice of public accounting shall not be issued to the holder of a certificate issued by this state pursuant to section 326.060 until such person shall have had two years' experience acceptable to the board in the practice of public accounting under the supervision of a certified public accountant holding a certificate and live permit from this or another state; provided only one year of such experience shall be required of an internal revenue agent who has been issued a certificate by this state pursuant to section 326.060 and who has had at least four years experience as an employee of the federal government as an internal revenue agent in the Internal Revenue Service, of which at least two years is certified by a District Director of Internal Revenue Service as having been of field agent experience at the journeyman level, grade GS-512-11 or above, as specified in the United States Civil Service Commission's qualification standard as of December 1, 1975.

2. The attestation or opinion concerning the presentation of financial or other quantitative data shall be restricted to those holding a live permit under this section.

326.230. Severability clause.—If any provision of this act or the application thereof to any one or to any circumstances is held invalid, the remainder of the act and the application of such provision to others or other circumstances shall not be affected thereby.

Approved June 15, 1977.

[S. B. 439]

OCCUPATIONS AND PROFESSIONS: Professional engineers.

AN ACT to repeal section 327.241, RSMo 1969 relating to professional engineers, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

- 327.241. Examination for registration two-part, how conducted—practical experience required for part two.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 327.241, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 327.241, to read as follows:

327.241. Examination for registration two-part, how conducted—practical experience required for part two.—1. After the board has determined upon such inquiry and by such methods as it may consider proper that he possesses the qualifications entitling him to be examined, each applicant for examination and registration as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year.

2. The written examination or examinations shall be of such form, content and duration as shall be determined by the board, to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

3. Any applicant to be eligible for registration must make a grade on each examination of at least seventy percent.

4. The engineering examination shall consist of two parts, the first part may be taken by any person after he has graduated from and received a degree in engineering from an accredited school of engineering or who is in his final year of study in such accredited school of engineering; and upon passing part one of the examination and providing proof that he has graduated from and received a degree in engineering from an accredited school of engineering and upon payment of the fee hereinafter specified, he shall be an engineer in training subject, however, to the provisions of subsection 10 of this section.

5. Any engineer in training, as defined in subsection 4 of this section, and, who has acquired at least four years of satisfactory engineering experience may take part two of the engineering examination and upon passing it shall be entitled to receive a certificate of registration, subject, however, to the provisions of subsections 9 and 10 of this section.

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide by rule that any person who has graduated from and holds an engineering degree from an accredited school of engineering may thereupon be eligible to take both parts of the engineering examination and that upon passing said examination and acquiring four years of satisfactory engineering experience, after graduating and receiving a degree as aforesaid, shall be entitled to receive a certificate of registration to practice as a professional engineer, subject, however, to the provisions of subsections 9 and 10 of this section.

7. Any person who has graduated from and has received a degree in engineering from an accredited school of engineering may then acquire four years of satisfactory engineering experience and thereafter take both parts of the examination and upon passing shall be entitled to receive a certificate of registration to practice as a professional engineer, subject, however, to the provisions of subsections 9 and 10 of this section.

8. Any person who has applied to take the engineering examination under the provisions of section 327.221, subdivision (1) or (2), shall at the time specified by the board take parts one and two of the examination and upon passing both parts with the grade specified in subsection 3 of this section shall be entitled to registration as a professional engineer in Missouri, and shall be entitled to receive a certificate of registration, subject, however, to the provisions of subsections 9 and 10 of this section.

9. Any person entitled to be registered as a professional engineer as provided in subsections 5, 6, 7 or 8 of this section must be so registered within four years after the

date on which he was so entitled and if one is not registered within the time he is so entitled, the engineering division of the board may require him to take and satisfactorily pass such further examination as it considers proper before issuing to him a certificate of registration.

10. Notwithstanding any other provision of this section and irrespective of the fact that any applicant may have made a passing grade on the examination or examinations, he shall not be an engineer in training and shall not be entitled to a certificate of registration as a professional engineer if the board finds or discovers prior to the issuance to him of the certificate that the applicant has cheated or attempted to cheat on his examination or examinations or has made false or misleading statements in any application filed for the examination or examinations with intent to deceive the board or that the applicant is not a person of good moral character.

Approved June 14, 1977.

[S. B. 6]

OCCUPATIONS AND PROFESSIONS: Funerals and funeral directors.

AN ACT to repeal Section 333.041, RSMo 1969, relating to funerals and funeral directors and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
333.041. Qualifications of applicants—examinations—licenses—board may waive requirements in certain cases.

SECTION

- A. Rules and rulemaking authority to expire, when—procedure for continuation of rules.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 333.041, RSMo 1969, is repealed and two new sections enacted in lieu thereof, to be known as sections A and 333.041.

333.041. Qualifications of applicants—examinations—licenses—board may waive requirements in certain cases.—1. After the effective date of this section, each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he is:

- (1) At least twenty-one years of age;
- (2) Either a citizen or a bona fide resident of the state of Missouri or entitled to a license under section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed, by a funeral establishment located within the state of Missouri, to practice funeral directing upon the grant of a license to do so;
- (3) A person of good moral character;
- (4) Upon due examination possessed of a knowledge of the Missouri statutes, rules and regulations governing funeral directing and funeral home licensing, together with statutes, rules and regulations governing the care and disposition of dead human bodies and the transportation thereof;

2. After the effective date of this act, each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he:

- (1) Is at least twenty-one years of age;
- (2) Is either a citizen or bona fide resident of the state of Missouri or entitled to a license under section 333.051;
- (3) Is a person of good moral character;
- (4) Has personally embalmed at least twenty-five dead human bodies under the direction of a person legally licensed to practice embalming during an internship of at least one year;
- (5) Upon due examination, is possessed of a knowledge of the subjects of

embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care and disposition of dead human bodies and the transportation thereof; and

(6) Has graduated from an accredited institute of mortuary science education.

3. Examinations required by this section shall be held at least twice a year at times and places fixed by the board by rule and regulation.

4. Upon establishment of his qualifications as specified by this section, the board shall issue to the applicant a license to practice funeral directing or embalming as the case may require and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section may be granted both a license to practice funeral directing and to practice embalming.

5. Each license issued shall be signed by a majority of the members of the board and shall be attested by the seal of the board.

6. The board shall waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the administrator or executor of a licensed funeral director, or to the spouse, next of kin, employee or legal guardian of a licensed funeral director disabled because of sickness, insanity or injury.

7. Any person duly registered as an embalmer or funeral director in Missouri on the effective date of this act, and whose registration has not expired, shall be deemed to be licensed under this chapter.

Section A. Rules and rulemaking authority to expire, when—procedure for continuation of rules.—Any rule promulgated pursuant to this chapter shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire on November 30, 1981.

Approved June 14, 1977.

[S. C. S. H. S. H. B. 255]

OCCUPATIONS AND PROFESSIONS: Practice of psychology.

AN ACT relating to the practice of psychology, with penalty provisions.

SECTION

1. Definitions.
2. Practice of psychology regulated—"practice of psychology", defined.
3. License, application for, qualifications for.
4. Department to determine applicant's professional experience.
5. License required, fee—late registration penalty—lost certificate, how replaced.
6. Grounds for refusal, revocation or suspension of license.
7. Exemption for social psychologists.

SECTION

8. Exempted professions and occupations—temporary practice authorized.
9. State committee of psychologists created—qualifications—rules to expire, when, exception—rule-making power terminates November 30, 1981.
10. Privileged communications, when.
11. Licensed psychologists not to practice medicine.
12. Violations a misdemeanor—injunctions authorized.
13. Local governments prohibited from taxing or licensing psychologists.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Definitions.—As used in this act, the following terms mean:

- (1) "Department", the department of consumer affairs, regulation and licensing;
- (2) "Recognized educational institution", a school, college, university or other

institution of higher learning, which has a graduate program in psychology and which is accredited by one of the regional accrediting associations approved by the National Commission on Accreditation.

(3) "Board", the Missouri board of healing arts.

Section 2. Practice of psychology regulated—"practice of psychology", defined.—1. After one year from the date this act takes effect, no person shall represent himself as a psychologist or practice as a psychologist in the state of Missouri unless he is validly licensed and registered under the provisions of this act.

2. A person represents himself as a psychologist within the meaning of this act when he holds himself out to the public by any title or description of services incorporating the words "psychology", "psychological", or "psychologist", and offers to render or renders services as defined below to individuals, groups, organizations, or the public for a fee, monetary or otherwise.

3. The practice of psychology within the meaning of this act is defined as rendering to individuals, groups, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, behavior modification, and psychotherapy; of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion, and motivation; and of assessing public opinion.

4. The application of these principles and methods includes, but is not restricted to: diagnosis, prevention, treatment, and amelioration of adjustment problems and emotional and mental disturbances of individuals and groups; hypnosis; educational and vocational counseling; personnel selection and management; the evaluation and planning for effective work and learning situations; advertising and market research; and the resolution of interpersonal and social conflicts.

Section 3. License, applications for, qualifications for.—1. Each person desiring to obtain a license as a psychologist shall make application to the department upon such forms and in such manner as may be prescribed by the department and shall pay an application fee of seventy-five dollars. The application fee shall not be refundable.

2. Each applicant shall submit evidence verified by oath and satisfactory to the department that he is at least twenty-one years of age, is of good moral character, has had at least one year of satisfactory supervised professional experience in the general field of psychology, as determined by the department; and that he either

(a) Has received a doctoral degree, based on a program of studies whose content was primarily psychological, from a recognized educational institution; or

(b) Has received a master's degree, based on a program of studies whose content was primarily psychological, from a recognized educational institution, and who has in addition had three years of professional experience satisfactory to the department; or

(c) Has been licensed or certified as a psychologist by another state wherein the requirements for licensing or certification are substantially equal to those in force in this state at the time application for such licensing is filed, and which extends like privileges to persons licensed by this state.

3. The department shall license and register as a psychologist any applicant who, in addition to having fulfilled the requirements of this section, passes the examination offered by the department. Written examinations under this act shall be administered by the department twice each year, and these written examinations shall be supplemented by such oral examinations as the department determines. The department shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation and professional affairs and ethics.

4. If an applicant fails his examination, he shall be permitted to take a subsequent

examination, upon the payment of an additional reexamination fee of seventy-five dollars. This reexamination fee shall not be refundable.

5. For a six month period after the effective date of this act, any person who shows to the department that for at least two years preceding his application he has been a resident of or principally employed in this state, and has been engaged in the active profession of psychology, and who fulfills the requirements of subsections 1 and 2 of this section, shall be licensed and registered as a psychologist without examination.

Section 4. Department to determine applicant's professional experience.—In determining the acceptability of the applicant's professional experience, the department may require the evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence to the department in the manner required by the department.

Section 5. License required, fee—late registration penalty—lost certificate, how replaced.—1. Each psychologist licensed under the provisions of this act, who has not filed with the department a verified statement that he has retired from or terminated his practice of psychology in this state, shall register with the department on or before the first day of July of each year, his home and business address and any other information relative to professional activity as a psychologist that the department requires. The department shall require an annual registration fee of forty dollars which shall be submitted together with the information required for such registration. Upon receipt of the required information and of the registration fee, the department shall issue a certificate of registration, valid until the last day of June of the succeeding year. The department shall, when licensing any applicant under the provisions of section 3 of this act, grant him, without payment of any further fee, a certificate of registration valid until the last day of June of the next year.

2. Failure to provide the department with the information required for registration, or to pay the annual registration fee, shall after notification effect a revocation of the license after a period of sixty days from the first day of July of each year. The license shall be restored if the applicant provides written application and the payment of the annual registration fee and a delinquency fee of twenty dollars.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the board, upon payment of two dollars.

Section 6. Grounds for refusal, revocation or suspension of license.—1. Subject to the provisions of section 161.252 to 162.342, RSMo, the department may refuse to license an applicant, or it may withhold, deny, suspend or revoke a license issued or applied for under the provisions of this act upon proof that the applicant or licensee:

(1) Is using any narcotic or alcoholic beverage to an extent that such use impairs his ability to perform the work of a professional psychologist with safety to the public; or

(2) Has used fraud or deception in obtaining a license under the provisions of this act; or

(3) Has impersonated another person holding a psychology license, or allowed another person to use his license; or

(4) Has been guilty of unethical conduct as defined in "Ethical Standards for Psychologists" as adopted and published by the department and filed with the secretary of state.

2. The department may revoke any license which was issued in error.

3. The department shall not withhold, deny, revoke or suspend any license on the basis of race or of national origin, nor on the basis of the religious or political convictions or beliefs of the applicant or psychologist.

4. An applicant who has been refused a license, or a person whose license has been revoked under the provisions of this section, pursuant to the terms of sections 161.252 to 161.342, RSMo, may reapply for a license after one year from the effective date of the denial or revocation.

Section 7. Exemption for social psychologists.—Nothing in this act is to be construed as restricting the use of the term "social psychologist" by any person who has been graduated with a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by recognized educational institutions and who has passed a comprehensive examination in the field of social psychology as a part of the requirement for the doctoral degree, or has had equivalent specialized training in social psychology, and has filed with the department a statement of facts demonstrating his compliance hereunder.

Section 8. Exempted professions and occupations—temporary practice authorized.—Nothing in this act shall in any way limit:

(1) Qualified members of other professional groups such as teachers, school psychological examiner and counselors in public or private schools, clergymen, practitioners of medicine, practitioners of chiropractic, practitioners of optometry, attorneys, social workers, vocational counselors, vocational rehabilitation counselors, nurses, or duly accredited christian science practitioners from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions; except as provided in this subsection they shall not hold themselves out to the public by any title or description incorporating the words "psychological", "psychologist", or "psychology"; or

(2) The activities, services, or use of official title on the part of any person in the employ of a governmental agency, or of a duly chartered educational institution, or of a corporation primarily engaged in research, insofar as such activities or services are part of the duties of his employment; or

(3) The activities or services of a student or trainee in psychology whose activities constitute a part of his supervised course of study; provided, however, that he is designated by a title clearly indicating training status; or

(4) The use of psychological techniques by government institutions, commercial organizations or individuals for employment, evaluation, promotion or job adjustment of their own employees or employee-applicants, or by employment agencies for evaluation of their own clients prior to recommendation for employment; provided that no government institution, commercial organization or individual shall sell or offer these services to the public or to other firms, organizations or individuals for remuneration, unless the services are performed or supervised by a person licensed and registered under this act; or

(5) The practice of psychology in the state of Missouri for a temporary period as hereinafter provided by a person who resides outside the state of Missouri, and who practices as a psychologist and conducts the major part of his practice outside the state. The temporary period shall not exceed ten consecutive business days in any period of ninety days, nor in the aggregate exceed fifteen business days in any nine-day period.

Section 9. State committee of psychologists created—qualifications—rules to expire, when, exception—rulemaking power terminates November 30, 1981.—

1. There is created and establishes, as an adjunct to the board, the "State Committee of Psychologists", which shall consist of five psychologists and who shall be appointed by the director of the department, and which shall, in collaboration with the board, guide, advise and make recommendations to the department. Committee members shall serve for a term of five years, except that the first committee appointed shall consist of one member whose initial term shall be for one year; one member whose initial term shall be for two years; one member whose initial term shall be for three years; one member whose initial term shall be for four years; and one member whose initial term shall be for five years. No person shall be eligible for appointment to the committee of psychologists who has served as a member of the committee for a total of ten years.

2. Each committee member shall be a resident of the state of Missouri and shall meet all the requirements for licensing enumerated in section 3 of this act; and, except for the five members initially appointed, each member of the committee shall be

licensed under the provisions of this act. To insure adequate representation of the diverse fields of psychology, the committee shall have at least two members who are primarily engaged in teaching, training, or research in psychology, one of whom is employed on a full-time basis in a teaching position at a recognized college or university, and at least two members who are primarily engaged in rendering service in psychology for at least five years prior to appointment, one of whom is engaged at least eighty percent of the time in the private practice of counseling or psychotherapy. If a member of the committee shall, during his term as a committee member, remove his domicile from the state of Missouri, then the committee shall immediately notify the director of the department, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment of the director of the department, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant.

3. The committee shall hold a regular annual meeting at which it shall select from among its members a chairman and a secretary. A quorum of the committee shall consist of a majority of its members. In the absence of the chairman, the secretary shall conduct the office of the chairman.

4. No member of the committee shall receive any compensation for the performance of his official duties but shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of his duties. All staff for the committee shall be provided by the director of the department of consumer affairs, regulation, and licensing, through the director of the division of professional registration.

5. The department may adopt and promulgate rules governing the conduct of the committee members, setting forth limits of reimbursement of its members, as set forth in subsection 4 of this section, and such other rules, in accordance with law, as shall be reasonable and proper in enabling the committee to function and carry out the purposes of this act. All such rules shall be promulgated and published in the manner provided in chapter 536, RSMo.

6. The director of the department may remove any member of the committee for misconduct, inefficiency, incompetency, or neglect of office.

7. Any rule, regulation, advisory opinion or amendment thereto issued pursuant to this section after the effective date of this act shall expire two years after promulgation thereof unless, prior to such date, both houses of the general assembly, by concurrent resolution approved by the governor, shall approve such rule, regulation, advisory opinion or amendment thereto.

8. All authority to promulgate or issue rules, regulations, advisory opinions or amendments thereto under this section shall terminate November 30, 1981.

Section 10. Privileged communications, when.—Any communication made by any person to a licensed psychologist in the course of professional services rendered by the licensed psychologist shall be deemed a privileged communication and the licensed psychologist shall not be examined or be made to testify to any privileged communication without the prior consent of the person who received his professional services.

Section 11. Licensed psychologists not to practice medicine.—Nothing in this act shall be construed as authorizing persons licensed and registered as psychologists to engage in any manner in the practice of medicine as defined in the laws of this state.

Section 12. Violations a misdemeanor—injunctions authorized.—1. Any person found guilty of violating any provision of this act is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

2. The department may sue in its own name in any court in this state, and may apply for an injunction in any court of competent jurisdiction for the purpose of enjoining any person, firm or corporation from violating the provisions of this act. The

remedy by injunction herein provided shall be in addition to the penalty provided in subsection 1 of this section.

Section 13. Local governments prohibited from taxing or licensing psychologists.—No person who has been licensed by the department as a psychologist in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession.

Approved July 28, 1977.

[S. B. 267]

CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS: Establishment of Industrial Development Corporations.

AN ACT relating to the Establishment of Industrial Development Corporations and prescribing the powers and duties thereof.

SECTION

1. Definitions.
2. No eminent domain.
3. Agricultural operations not authorized.
4. Who may be incorporators.
5. Articles of incorporation, form and contents of.
6. Articles, where filed—Secretary of State to issue certificate, when.
7. Articles, how amended.
8. Board of directors, qualifications, election, terms.
9. Powers of corporation.
10. Revenue bonds, how issued.
11. Issuance of notes, procedure for.
12. Renewal notes, issued, when, how.

SECTION-

13. Resolutions authorizing issuance of bonds or notes, provisions authorized in.
14. Trust agreements authorized.
15. Individuals not liable on notes or bonds.
16. Notes and bonds declared to be approved investments for fiduciaries.
17. Projects not tax exempt—bond and note interest is exempt, exception.
18. Dissolution of corporation, effect of.
19. Disclaimer as to impairment of other powers of political subdivisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Definitions.—As used in this act, unless the context otherwise requires, the following words and terms shall have the meanings indicated.

(1) "Corporations" means any authority organized pursuant to the provisions of this act.

(2) "County and Municipality". "County" means any county in the state. "Municipality" means any city, incorporated town or village in the state.

(3) "Project" means the purchase, construction, extension and improvement of plants, buildings, structures, or facilities, whether or not now in existence, including the real estate, used or to be used as a factory, assembly plant, manufacturing plant, processing plant, fabricating plant, distribution center, warehouse building, office building or facilities for the prevention, reduction or control of pollution. Included in all of the above shall be any required fixtures, equipment and machinery. Excluded are facilities designed for the sale or distribution to the public of electricity, gas, water or telephone, together with any other facilities commonly classified as public utilities. Projects of a municipal authority must be located wholly within the incorporated limits of the municipality within the county in which the municipality is located with permission of the governing board of the county. Projects of a county authority must be located within an unincorporated area of such county except that such projects may be located within the incorporated limits of a municipality within such county, when approved by the governing body of the municipality.

(4) "Governing body" shall mean the board or body in which the general legislative powers of the county or municipality are vested.

Section 2. No eminent domain.—Any corporation subject to this act is prohibited the power of eminent domain.

Section 3. Agricultural operations not authorized.—No corporation shall itself be authorized to operate any manufacturing, industrial or commercial enterprise or conduct an agricultural operation as prohibited by Chapter 350, RSMo.

Section 4. Who may be incorporators.—Whenever any number of natural persons not less than three (3), each of whom shall be a duly qualified elector of and taxpayer in the county or municipality, shall file with the governing body thereof an application in writing seeking permission to apply for the incorporation of an industrial development corporation of such county or municipality to develop commercial, industrial, agricultural or manufacturing facilities, the governing body shall proceed to consider such application. If the governing body shall by appropriate order or resolution duly adopted find and determine that it is wise, expedient, necessary or advisable that the corporation be formed and shall authorize the persons making such application to proceed to form such corporation and shall approve the form of articles of incorporation proposed to be used in organizing the corporation, then the persons making such application shall execute, acknowledge and file articles of incorporation for the corporation as hereinafter provided. No corporation may be formed unless such application shall have first been filed with the governing body of the county or municipality and the governing body shall have adopted an order or resolution as provided in this section.

Section 5. Articles of incorporation, form and contents of.—The articles of incorporation shall set forth (a) the names and residences of the applicants together with a recital that each of them is an elector of and taxpayer in the county or municipality; (b) the name of the corporation which shall be The Industrial Development Authority of the of (the blank spaces to be filled in with the name of the county or municipality, including the proper designation thereof as county, city, town or village) if such name shall be available for use by the corporation and if not available then the incorporators shall designate some other similar name that is available; (c) a recital that permission to organize the corporation had been granted by order or resolution duly adopted by the governing body of the county or municipality and the date of the adoption of such order or resolution; (d) the location of the principal office of the corporation (which shall be in the county or municipality); (e) the purpose for which the corporation is proposed to be organized; (f) the number of directors of the corporation; (g) the period, if any, for the duration of the corporation; (h) any other matter which the applicants may choose to insert therein which shall not be inconsistent with this chapter or with the laws of the State of Missouri. The articles of incorporation shall be subscribed and acknowledged by each of the applicants before an officer authorized by the laws of Missouri to take acknowledgments to deeds.

Section 6. Articles, where filed—Secretary of State to issue certificate, when.—When executed and acknowledged in conformity with section five (5) above, the articles of incorporation shall be filed with the secretary of state. The secretary of state shall thereupon examine the articles of incorporation and, if he finds that the recitals contained therein are correct, that the requirements of section five (5) above have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in existence in this state as to lead to confusion and uncertainty, he shall approve the articles of incorporation, issue a certificate of incorporation and record the same in an appropriate book or record in his office. When such articles have been so approved, the certificate of incorporation issued and the same

filed, the applicants shall constitute a public corporation under the name set out in the articles of incorporation.

Section 7. Articles, how amended.—The articles of incorporation may at any time and from time to time be amended so as to make any changes therein and add any provisions thereto which might have been included in the articles of incorporation in the first instance. Any such amendment shall be effected in the following manner: the members of the board of directors of the corporation shall file with the governing body of the county or municipality an application in writing seeking permission to amend the articles of incorporation, specifying in such application the amendment proposed to be made. Such governing body shall consider such application and, if they find it is wise, expedient, necessary or advisable that the proposed amendment be made and shall authorize the same to be made and shall approve the form of the proposed amendment, then the persons making such application shall execute an instrument embodying the amendment specified in such application, and shall file the same with the secretary of state. The proposed amendment shall be subscribed and acknowledged by each member of the board of directors before an officer authorized by the laws of Missouri to take acknowledgments to deeds. Such secretary of state shall thereupon examine the proposed amendment and, if he finds that the requirements of this section have been complied with and the proposed amendment is within the scope of what might be included in the original articles of incorporation, he shall approve the amendment and record it in an appropriate book in his office. When such amendment has been so made, filed and approved, it shall thereupon become effective and the articles of incorporation shall thereupon be amended to the extent provided in the amendment. The articles of incorporation shall not be amended except in the manner provided in this section.

Section 8. Board of directors, qualifications, election, terms.—The corporation shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of any number of directors, not less than five (5), all of whom shall be duly qualified electors of and taxpayers in the county or municipality. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. No director shall be an officer or employee of the county or municipality. The directors shall be elected by the governing body of the county or municipality, and they shall be so elected that they shall hold office for staggered terms. At the time of the election of the first board of directors the governing body of the municipality or county shall divide the directors into three groups containing as near equal whole numbers as may be possible. The first term of the directors included in the first group shall be two (2) years, the first term of the directors included in the second group shall be four (4) years, the first term of the directors in the third group shall be six (6) years; provided, that if at the expiration of any term of office of any director a successor thereto shall not have been elected then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected.

Section 9. Powers of corporations.—The corporation is hereby granted and may exercise all powers necessary or appropriate to carry out and effectuate its purposes, including but not limited to the following: (1) To adopt bylaws and rules for the regulation of its affairs and the conduct of its business; (2) To adopt an official seal; (3) To sue and be sued; (4) To make and execute leases, contracts, releases, compromises and other instruments necessary or convenient for the exercise of its powers or to carry out its purposes; (5) To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one (1) or more projects, including all real and personal properties which the board of directors of the corporation may deem necessary in connection therewith and regardless of whether or not any such projects shall then be in existence; (6) To lease to others any of its projects and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, a

provision that the lessee thereof shall have an option to purchase the project; or (7) To sell, exchange, donate and convey any or all of its properties whenever its board of directors shall find such action to be in furtherance of the purposes for which the corporation was organized; (8) To issue bonds and temporary notes as hereinafter provided; (9) To employ and pay compensation to such employees and agents, including attorneys, and others of like professional skills and abilities, as the board of directors shall deem necessary for the business of the corporation; (10) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; (11) To acquire by gift or purchase, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties hereunder; (12) To receive and accept appropriations, gifts and grants and to utilize or dispose of the same to carry out its purposes; (13) To collect rentals, fees, and other charges in connection with its services or for the use of any project; (14) To sell at private sale any of its property or projects to any private corporation, person, firm, or to any public body, political subdivision or municipal corporation on such terms as it deems advisable including the right to receive for such sale the note or notes of any such person to whom the sale is made. Any such sale shall provide for payments adequate to pay the principal of and interest and premiums, if any, on the bonds issued to finance such project or portion thereof. Any such sale may provide for the construction of the project by the purchaser of the project.

Section 10. Revenue bonds, how issued.—The corporation may at any time issue revenue bonds for the purpose of paying any part of the cost of any project or part thereof. Every issue of its bonds shall be payable out of the revenues of the corporation which may be pledged for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds or pledging any specified revenues. Such bonds shall be authorized by resolution of the corporation, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify. Such bonds shall be in such denomination, bear interest at such rate, be in such form, either coupon or registered, be issued in such manner, be payable in such place or places and be subject to redemption as such resolution may provide. The bonds of the corporation may be sold at either public or private sale, at such price or prices as the corporation shall determine, but at not less than ninety-five percent of the principal amount thereof and at an interest rate not in excess of the legal limit.

Section 11. Issuance of notes, procedure for.—Pending the issuance of bonds, the corporation may issue notes payable from the proceeds of such bonds or from such other sources as the corporation may specify as in the case of bonds. Such notes shall mature in not more than five years and shall be sold at public or private sale as the corporation may specify at not less than ninety-five percent of the principal amount thereof and at an interest rate not in excess of the legal limit. The other details with respect to such notes shall be determined by the corporation as in the case of bonds.

Section 12. Renewal notes, issued, when, how.—The corporation may from time to time issue renewal notes or refund any bonds by the issuance of refunding bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partially to refund bonds then outstanding and partially for any other purpose. Renewal notes or refunding bonds may be sold at public or private sale and the proceeds applied to the purchase, redemption, or payment of the notes or bonds to be refunded.

Section 13. Resolutions authorizing issuance of bonds or notes, provisions authorized in.—Any resolution authorizing any notes or bonds may contain such provisions, covenants and agreements subject to any provisions, covenants and agreements with the holders of bonds or notes then outstanding as the corporation determines necessary, such provisions, covenants and agreements may include but shall not be limited to: (1) Pledging of all or any part of the revenues of the corporation

or any part thereof, to secure the payment of the notes or bonds or of any issue thereof; (2) The use and disposition of the revenues of the corporation or any part thereof; (3) The fixing of rents, fees and other charges and the pledging of the same and of the revenues of the corporation so that the same will be sufficient to pay the cost of operation, maintenance and repair of any project and the principal of and interest on notes or bonds secured by the pledge of such revenues; (4) Establishing reasonable reserves to secure the payment of such notes and bonds; (5) Limitations on the issuance of additional notes or bonds and the terms upon which the same may be issued and secured.

Section 14. Trust agreements authorized.—A resolution of the corporation authorizing the issuance of any notes or bonds or any issue thereof may provide that such notes or bonds shall be secured by a trust agreement between the corporation and a corporate trustee, vesting in such trustee such property, rights, powers and duties in trust as the corporation may determine. Any such trust agreement may pledge or assign the revenues of the corporation or any part thereof, to secure payment of any notes or bonds. Any such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the noteholders or bondholders as may be reasonable and proper, including covenants relating to the acquisition and construction of projects and the maintenance, repair and operation thereof, the rentals and other charges to be imposed for the use of any project, the custody and application of all monies relating thereto. Such trust agreement may contain such other provisions as the corporation determines reasonable and necessary for the security of the noteholders and bondholders. All expenses incurred in carrying out the provisions of any such trust agreement may be considered as a part of the cost of the operation of the project.

Section 15. Individuals not liable on notes or bonds.—Neither the directors of any corporation nor any person executing the bonds or notes shall be liable personally on the bonds or notes by reason of the issuance thereof. Bonds and notes issued under this section by a corporation created by or pursuant to this act shall not be a debt of the county, the municipality or the state and neither the county, the municipality or the state shall be liable thereon nor in any event shall such notes or bonds be payable out of any funds or properties other than those acquired for the purposes of this law and such bonds and notes shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

Section 16. Notes and bonds declared to be approved investments for fiduciaries.—The notes and bonds of the corporation are securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, trust companies, savings associations, savings and loan associations, investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

Section 17. Projects not tax exempt—bond and note interest is exempt, exception.—Projects acquired, constructed, reconstructed, enlarged, improved, furnished, equipped, maintained, repaired, operated, leased, financed or sold by the corporation pursuant to this act shall be subject to all real and tangible personal property, taxes and assessments of the state of Missouri, and any county, municipality or any governmental subdivision thereof. Bonds and notes of the corporation are declared to be issued for an essential public and governmental purpose and to be public instrumentalities, and interest thereon and income therefrom shall be exempt from taxation except for death and gift taxes on transfers.

Section 18. Dissolution of corporation, effect of.—Upon termination or dissolution, all rights and properties of the corporation shall pass to and be vested in the county or municipality of incorporation, subject to the rights of bondholders,

noteholders, and other creditors. Except that no county or municipality nor the citizens thereof shall be subject to any tax assessment or financial liability to any bondholder, noteholder and any other creditor nor shall any county or municipality be permitted to expend any public monies for the payment of any indebtedness of bonds, notes, or any other claims by creditors of any nature. Any and all indebtedness whether by bond, note or any creditor claim shall be paid exclusively from the revenues, if any, from such terminated or dissolved corporation.

Section 19. Disclaimer as to impairment of other powers of political subdivisions.—Nothing herein contained shall impair or affect the power or jurisdiction of the municipality, county, township, or school districts in which the corporations organized hereunder are located, and such corporations shall conform to applicable regulations of any governmental authority having jurisdiction therein.

Approved July 13, 1977.

[S. C. S. S. B. 326]

CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS: Restrictions on corporations engaged in farming.

AN ACT to repeal section 350.015, RSMo Supp. 1975, relating to restrictions on corporations engaging in farming, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

350.015. Corporations not to engage in farming—exceptions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 350.015, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 350.015, to read as follows:

350.015. Corporations not to engage in farming—exceptions.—After September 28, 1975, no corporation not already engaged in farming shall engage in farming; nor shall any corporation, directly or indirectly, acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise, in any title to agricultural land in this state, provided, however, that the restrictions set forth in this section shall not apply to the following:

(1) A bona fide encumbrance taken for purposes of security;
(2) A family farm corporation or an authorized farm corporation as defined in section 350.010;

(3) Agricultural land and land capable of being used for farming owned by a corporation as of September 28, 1975 including the normal expansion of such ownership at a rate not to exceed twenty percent, measured in acres, in any five-year period, or agricultural land and land capable of being used for farming which is leased by a corporation in an amount, measured in acres, not to exceed the acreage under lease to such corporation as of September 28, 1975 and the additional acreage for normal expansion at a rate not to exceed twenty percent in any five-year period, and the additional acreage reasonably necessary whether to be owned or leased by a corporation to meet the requirements of pollution control regulations;

(4) A farm operated wholly for research or experimental purposes, including seed research and experimentation and seed stock production for genetic improvements, provided that any commercial sales from such farm shall be incidental to the research or experimental objectives of the corporation;

(5) Agricultural land operated by a corporation for the purposes of growing nursery plants, vegetables, grain or fruit used exclusively for brewing or winemaking

or distilling purposes and not for resale, for forest cropland or for the production of poultry, poultry products, fish or mushroom farming, production of registered breeding stock for sale to farmers to improve their breeding herds, for the production of raw materials for pharmaceutical manufacture, chemical processing, food additives and related products, and not for resale;

(6) Agricultural land operated by a corporation for the purposes of alfalfa dehydration exclusively and only as to said lands lying within fifteen miles of a dehydrating plant and provided further said crops raised thereon shall be used only for further processing and not for resale in its original form;

(7) Any interest, when acquired by an educational, religious, or charitable not for profit or pro forma corporation or association;

(8) Agricultural land or any interest therein acquired by a corporation other than a family farm corporation or authorized farm corporation, as defined in section 350.010, for immediate or potential use in nonfarming purposes. A corporation may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit, a family farm corporation or an authorized farm corporation, or except when controlled through ownership, options, leaseholds, or other agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, 42 U.S.C. 3901—3914) as amended, or a subsidiary or assign of such a corporation;

(9) Agricultural lands acquired by a corporation by process of law or voluntary conveyance in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, that any corporation may hold for ten years real estate acquired in payment of a debt, by foreclosure or otherwise, and for such longer period as may be provided by law;

(10) The provisions of sections 350.010 to 350.030 shall not apply to the raising of hybrid hogs in connection with operations designed to improve the quality, characteristics, profit ability, or market ability of hybrid hogs through selective breeding and genetic improvement where the primary purpose of such livestock raising is to produce hybrid hogs to be used by farmers and livestock raisers for the improvement of the quality of their herds;

(11) A bank or trust company acting as administrator or executor under the terms of a will or trustee under the terms of a testamentary or inter vivos trust created by the owner of a family farm, or an inter vivos or testamentary trust, the principal of which is shares of a family farm corporation or authorized farm corporation and which trust is created by a shareholder of the family farm corporation or authorized farm corporation. However, a bank or trust company acting in the administration of an investment trust or a management trust formed with the primary purpose of making or managing investments or income producing property and purchasing agricultural real estate with trust funds with the primary benefits accruing to investors or shareholders in the trust is not exempt from the provisions of sections 350.010 to 350.030.

Approved July 29, 1977.

[S. C. S. B. 115]

CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS: General and business corporations.

AN ACT to repeal sections 351.085, 351.185, 351.245, 351.375 and 351.625, RSMo 1969, and sections 351.315, 351.340, 351.360, RSMo Supp. 1975, relating to general and business corporations, and to enact in lieu thereof ten new sections relating to the same subject.

SECTION

1. Enacting clause.
- 351.085. Amendment of articles of incorporation.
- 351.185. Consideration for shares—exchange or conversion of shares.
- 351.245. Shares, how voted—hypothecated shares ineligible.
- 351.315. Number of directors, how elected, how removed.

SECTION

- 351.340. Board meetings, where and how held.
- 351.360. Officers, how chosen.
- 351.375. Change of address of registered office or agent, how made.
- 351.447. Corporation holding ninety percent of the shares of another may merge without election, when.
- 351.625. Foreign corporation may change registered agent, when, how.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 351.085, 351.185, 351.245, 351.375 and 351.625, RSMo 1969, and sections 351.315, 351.340 and 351.360, RSMo Supp. 1975, are hereby repealed and ten new sections enacted in lieu thereof to be known as sections 351.085, 351.185, 351.245, 351.315, 351.340, 351.360, 351.375, 351.466, 351.447 and 351.625, to read as follows:

351.085. Amendment of articles of incorporation.—1. A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired; provided, that its articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation if made at the time of making such amendment, and if a change in shares or an exchange or reclassification of shares is to be made, such provisions as may be necessary to effect such change, exchange or reclassification as may be desired and as is permitted by this chapter.

2. In particular, and without limitation upon such general power of amendment, a corporation may amend its articles of incorporation from time to time so as:

- (1) To change its corporate name;
- (2) To change its period of duration;
- (3) To change, enlarge or diminish its corporate purposes;
- (4) To fix, increase or decrease the number of its directors or to provide that the number of directors shall be fixed by, or in the manner provided in, the bylaws of the corporation; provided, however, that the corporation shall give written notice to the secretary of state of the number of directors of the corporation as fixed by any method, such notice to be given within thirty calendar days of the date when the number of directors is fixed, and similar notice to be given whenever the number of directors is changed;

(5) To increase or decrease the aggregate number of shares or shares of any class which the corporation has authority to issue;

(6) To increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued; provided, that if the par value of issued shares is increased, there shall be transferred to state capital at the time of such increase an amount of surplus equal to the aggregate amount by which the par value is increased;

(7) To exchange, classify, reclassify or cancel all or any part of its shares, whether issued or unissued;

(8) To change the designation of all or any part of its shares, whether issued or unissued, and to change the preferences, qualifications, limitations, restrictions and special or relative rights, including convertible rights, in respect of all or any part of its shares, whether issued or unissued;

(9) To change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value;

(10) To create a new class or classes of stock and to define the preferences,

qualifications, limitations, restrictions, and the special or relative rights of the shares of such new class or classes;

(11) To establish, limit or deny to shareholders of any class the pre-emptive right to acquire additional shares of the corporation, whether then or thereafter authorized.

351.185. Consideration for shares—exchange or conversion of shares.—

1. Shares having a par value shall be issued for such consideration not less than the par value thereof as shall be fixed from time to time by the board of directors. Shares without par value may be issued for such consideration as may be fixed from time to time by the board of directors unless the articles of incorporation reserve to the shareholders the right to fix the consideration. Shares of a corporation issued and thereafter acquired by it may be disposed of by the corporation for such consideration as may be fixed from time to time by the directors. That part of the surplus of a corporation which is transferred to stated capital upon the issuance of a share dividend shall be deemed to be the consideration for the issuance of such shares.

2. In the event of the conversion or exchange of any issued shares, with or without par value, into or for other shares of the corporation, whether of the same or of a different class or classes and whether with or without par value, the consideration for the shares so issued in such conversion or exchange is deemed to be:

(1) The consideration originally received for the shares so converted or exchanged, and

(2) That part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so converted or exchanged, and

(3) Any additional consideration paid to the corporation upon the issuance of shares for the shares so exchanged or converted.

All shares reacquired by a corporation as the result of their conversion into or exchange for other shares of the corporation shall be deemed to be retired and shall automatically become authorized and unissued shares of the class to which they belong, unless the reissue thereof is prohibited by the articles of incorporation, in which case the authorized shares of such class shall be reduced to the extent of the shares so retired. The amount of stated capital theretofore represented by the reacquired shares shall automatically be transferred to the other shares into or for which they were converted or exchanged, to the extent of the aggregate stated capital represented by the other shares. If upon any conversion or exchange the amount of stated capital theretofore represented by the reacquired shares exceeds the total aggregate stated capital represented by the other shares, the corporation may at any time reduce its stated capital by an amount equal to any part or all of the excess by following the procedures for reduction of stated capital set forth elsewhere in this chapter.

3. When payment of the consideration for which shares are to be issued shall have been received by the corporation, the shares are full-paid and nonassessable. In the absence of actual fraud in the transaction, the judgment of the board of directors or the shareholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

351.245. Shares, how voted—hypothecated shares ineligible.—1. Each outstanding share entitled to vote under the provisions of the articles of incorporation shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholder.

2. No person shall be admitted to vote on any shares belonging or hypothecated to the corporation which issued the shares.

3. In all elections for directors, each shareholder shall have the right to cast as many votes in the aggregate as shall equal the number of voting shares held by him in the corporation, multiplied by the number of directors to be elected at the election, and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute them among two or more candidates; and directors shall not be elected in any other manner.

4. A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney in fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy. A duly executed proxy shall be irrevocable if it states that it is irrevocable and if, and only so long as, it is coupled with an interest sufficient in law to support an irrevocable power of attorney. The interest with which it is coupled need not be an interest in the shares themselves.

351.315. Number of directors, how elected, how removed.—1. A corporation shall have three or more directors, except that a corporation may have one or two directors provided the number of directors to constitute the board of directors is stated in the articles of incorporation. Any corporation may elect its directors for one or more years, not to exceed three years, the time of service and mode of classification to be provided for by the bylaws of the corporation; provided, however, that there shall be an annual election for such number or proportion of directors as may be found upon dividing the entire number of directors by the number of years composing a term. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders entitled to vote shall elect directors to hold office until the next succeeding annual meeting, except as herein provided. Each director shall hold office for the term for which he is elected or until his successor shall have been elected and qualified.

2. At a meeting called expressly for that purpose, directors may be removed in the manner provided in this section. Such meeting shall be held at the registered office or principal business office of the corporation in this state or in the city or county in this state in which the principal business office of the corporation is located. The entire board of directors may be removed, with or without cause, by a vote of the holders of a majority of the shares then entitled to vote at an election of directors. If less than the entire board is to be removed, no one of the directors may be removed if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part. Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect of the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

3. The corporation shall give written notice to the secretary of state of the number of directors of the corporation as fixed by any method. The notice shall be given within thirty days of the date when the number of directors is fixed, and similar notice shall be given whenever the number of directors is changed.

351.340. Board meetings, where and how held.—1. Regular meetings of the board of directors may be held with or without notice as the bylaws may prescribe. Special meetings of the board of directors shall be held upon such notice as the bylaws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of the meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular meeting of the board of directors need be specified in the notice or waiver of notice of the meeting.

2. Any action which is required to be or may be taken at a meeting of the directors, or of the executive committee or any other committee of the directors, may be taken without a meeting if consents in writing, setting forth the action so taken, are signed by all of the members of the board or of the committee as the case may be. The consents shall have the same force and effect as a unanimous vote at a meeting duly held, and may be stated as such in any certificate or document filed under this chapter. The secretary shall file the consents with the minutes of the meetings of the board of directors or of the committee as the case may be.

351.360. Officers, how chosen.—1. Every corporation organized under this chapter shall have a president and a secretary, who shall be chosen by the directors, and such other officers and agents as shall be prescribed by the bylaws of the corporation. Unless the articles of incorporation or bylaws otherwise provide, any two or more offices may be held by the same person.

2. All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the bylaws, or, in the absence of such provision, as may be determined by resolution of the board of directors.

3. Any act required or permitted by any of the provisions of this chapter to be done by the president of the corporation may be done instead by the chairman of the board of directors, if any, of the corporation if he has previously been designated by the board of directors or in the bylaws to be the chief executive officer of the corporation and such designation has been filed in writing with the secretary of state and such notice attested to by the secretary of the corporation.

351.375. Change of address of registered office or agent, how made.—1. A corporation may from time to time change the address of its registered office. A corporation shall change its registered agent if the office of registered agent shall become vacant for any reason, if its registered agent becomes disqualified or incapacitated to act, or if the corporation revokes the appointment of its registered agent. A corporation may change the address of its registered office or change its registered agent, or both, by filing in the office of the secretary of state a statement setting forth:

- (1) The name of the corporation;
- (2) The address, including street and number, if any, of its then registered office;
- (3) If the address of its registered office be changed, the address, including street and number, if any, to which the registered office is to be changed;
- (4) The name of its then registered agent;
- (5) If its registered agent be changed, the name of its successor registered agent;
- (6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical;
- (7) That such change was authorized by resolution duly adopted by the board of directors.

2. Such statement shall be executed in triplicate by the corporation by its president or a vice-president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this chapter, he shall file the same, keeping the original and one copy and returning the other copy to the corporation or to its representative.

3. The change of address of the registered office, or the change of the registered agent, or both, as the case may be, shall become effective upon the filing of such statements by the secretary of state. The location or residence of any corporation shall be deemed for all purposes to be in the county where its registered office is maintained.

4. In the event a registered agent for one or more corporations changes the address of his business office, which office is the registered office of one or more corporations, the registered office of the corporations may be changed without a resolution of the board of directors upon the filing by the registered agent in the office of the secretary of state of a statement setting forth:

- (1) The name of the registered agent.
- (2) The address of the business office of the registered agent before the change.
- (3) The address of the business office of the registered agent after the change.
- (4) The names of the corporations which have designated the agent as their registered agent and which have their registered office at the business office of the registered agent.

(5) That notice in writing of the change has been mailed by the registered agent to each of the corporations.

(6) That the address of the registered office of each of the corporations and the address of the business office of the registered agent, as changed, will be identical.

The statement shall be executed by the registered agent in his individual name but if the agent is a corporation the statement shall be executed by its president or a vice president and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary. The registered agent shall execute three copies of the statement for each corporation listed in the statement, and the executed copies shall be delivered to the secretary of state for filing. If the secretary of state finds that the statement conforms to the provisions of this chapter, he shall file the same, keeping two executed copies for each corporation listed on the statement and returning the remaining executed copies to the registered agent. The change of address of the registered office shall become effective upon the filing of the statement by the secretary of state.

351.447. Corporation holding ninety percent of the shares of another may merge without election, when.—1. In any case in which at least 90 percent of the outstanding shares of each class of a corporation or corporations is owned by another corporation and one of the corporations is a domestic corporation and the other or others are domestic corporations, or foreign corporations if the laws of the jurisdictions of their incorporation permit a corporation of that jurisdiction to merge with a corporation of another jurisdiction, the corporation having such share ownership may either merge the other corporation or corporations into itself and assume all of its or their obligations, or merge itself, or itself and one or more of the other corporations, into one of the other corporations without any vote of the shareholders of any domestic corporation, in which event the articles of merger shall state that the plan of merger has been adopted pursuant to this section and shall set forth the resolution of the board of directors of the parent corporation approving the plan of merger and the date of adoption of the resolution and shall state that the parent corporation is in compliance with the 90 percent ownership requirement of this section and will maintain at least 90 percent ownership until the issuance of the certificate of merger by the secretary of state; provided, however, that if the parent corporation shall not own all of the outstanding shares of all the subsidiary corporations, parties to a merger as aforesaid, the plan of merger shall set forth the securities, cash, property, or rights to be issued, paid, delivered or granted by the surviving corporation upon surrender of each share of the subsidiary corporation or corporations not owned by the parent corporation; and provided further, that if the parent corporation is not the surviving corporation, the plan of merger shall include provision for the pro rata issuance of shares of the surviving corporation to the holders of the shares of the parent corporation on surrender of the certificates therefor, and the articles of merger shall state that the proposed merger has been approved by receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of the parent corporation entitled to vote thereon at a meeting thereof duly called and held. If the surviving corporation is a foreign corporation, the provisions of section 351.458 shall also apply to a merger under this section.

2. If the surviving corporation is a domestic corporation, it may change its corporate name by the inclusion of a provision to that effect in the plan of merger adopted by the directors of the parent corporation, and upon the effective date of the merger the name of the corporation shall be so changed if the name is available.

3. In the event all of the shares of a subsidiary domestic corporation party to a merger effected under this section are not owned by the parent corporation immediately prior to the merger, the surviving corporation shall, within 10 days after the effective date of the merger, notify each shareholder of the subsidiary domestic corporation that the merger has become effective. The notice shall be sent by certified or

registered mail, return receipt requested, addressed to the shareholder at his address as it appears on the records of the corporation. Any shareholder, may, within 20 days after the date of mailing of the notice, demand in writing from the surviving corporation payment of the value of his shares immediately prior to the merger exclusive of any element of value arising from the expectation or accomplishment of the merger. If during a period of 30 days after the period of 20 days the surviving corporation and any objecting shareholder fail to agree as to the value of the shares, then the provisions of section 351.455-3 shall apply.

351.625. Foreign corporation may change registered agent, when, how.—A foreign corporation may from time to time change the address of its registered office. A foreign corporation shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent resigns, becomes disqualified or incapacitated to act, or if it revokes the appointment of its registered agent. In the event a registered agent for one or more foreign corporations changes the address of his business office, which office is the registered office of one or more foreign corporations, the registered office of such corporations may be changed by the registered agent. Any such change either in the registered office or in the registered agent shall be made in the manner as prescribed in Section 351.375.

Approved July 28, 1977.

[S. B. 420]

BUSINESS AND FINANCIAL INSTITUTIONS: Business and financial institutions.

AN ACT to amend and revise chapters 361 and 362, RSMo. by repealing sections 361.160, 361.260, 361.340, 361.360, 362.105, 362.170, 362.210, 362.225, 362.245, 362.250, 362.275, and 362.470, RSMo. 1969, and sections 362.487 and 362.590, RSMo. Supp. 1975, all relating to business and financial institutions, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

SECTION

1. Enacting clause.
- 361.160. Examination of banks and trust companies.
- 361.260. Orders of director.
- 361.340. Circumstances under which possession of director may terminate.
- 361.360. Director may take possession, when.
- 361.365. Director may appoint the Federal Deposit Insurance Corporation as liquidating agent—effect of.
- 362.023. Trust company may refuse demand deposits by its articles of incorporation, effect of.
- 362.105. Powers and authority of banks and trust companies.
- 362.170. "Unimpaired capital", defined—restrictions on loans, and total liability to any one person.

SECTION

- 362.210. Reserves against demand deposits.
- 362.225. Reserve depositories.
- 362.245. Board of directors—qualifications.
- 362.250. Oath of directors to be subscribed and certified—to be filed by director—penalty.
- 362.275. Monthly meeting of board—review of certain transactions.
- 362.470. Joint deposits.
- 362.483. Safe deposit corporation may be granted a certificate of incorporation by director, when—purposes of corporation.
- 362.487. Joint renters of safe deposit boxes authorized—effect of.
- 362.590. Bond not required of banks and trust companies, when acting as fiduciaries.
2. Minimum fee may be charged on loan—exception.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Chapters 361 and 362, RSMo. are hereby amended and revised by repealing sections 361.160, 361.260, 361.340, 361.360, 362.105, 362.170, 362.210, 362.225, 362.245, 362.250, 362.275 and 362.470, RSMo. 1969, and sections

362.487 and 362.590, RSMo. Supp. 1975, and by enacting eighteen new sections to be known as sections 361.160, 361.260, 361.340, 361.360, 361.365, 362.023, 362.105, 362.170, 362.210, 362.225, 362.245, 362.250, 362.275, 362.470, 362.483, 362.487, 362.590 and section 2, to read as follows:

361.160. Examination of banks and trust companies.—1. The commissioner, at least once each year, either personally or by deputy or examiner appointed by him, shall visit and examine every bank and trust company organized and doing business under the laws of this state, and every other corporation which is by law required to report to him; except, that the commissioner, at his discretion, may conduct his examination, or any part thereof, on the basis of information contained in examination reports of the Federal Deposit Insurance Corporation or the Federal Reserve Board or in audits performed by certified public accountants.

2. The commissioner, or the deputy or examiners designated by him for that purpose, shall have power to examine any such corporation whenever, in his judgment, it may be deemed necessary or expedient, and shall have power to examine every agency located in this state of any foreign banking corporation, for the purpose of ascertaining whether it has violated any law of this state, and for such other purposes and as to such other matters as the commissioner may prescribe.

3. He and his deputy and examiners shall have power to administer oaths to any person whose testimony may be required in such examination or investigation of any such corporation or agency, and to compel the appearance and attendance of any person for the purpose of any such examination or investigation.

4. On every such examination inquiry shall be made as to the condition and resources of such corporation, the mode of conducting and managing its affairs, the actions of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to its creditors, and whether the requirements of its charter and of law have been complied with in the administration of its affairs, and as to such other matters as the commissioner may prescribe.

5. The commissioner may also make such special investigations as he shall deem necessary to determine whether any individual or corporation has violated any of the provisions of this law.

6. Such examination may be made and such inquiry instituted or continued in the discretion of the commissioner after he has taken possession of the property and business of any such corporation, until it shall resume business or its affairs shall be finally liquidated in accordance with the provisions of this law.

7. The result of each examination shall be certified by the commissioner or the examiner upon the records of the corporation examined and the result of all examinations during the biennial period shall be embodied in the report to be made by the director of the department of business and administration to the legislature.

361.260. Orders of director.—1. Whenever the commissioner shall have reason to believe that the capital stock of any corporation subject to the provisions of this chapter is reduced by impairment or otherwise, below the amount required by law, or by its certificates or articles of association, he shall issue an order that the corporation make good the deficiency forthwith or within a time specified in such order.

2. Whenever it shall appear to the commissioner, from any examination made by him or his examiners, that any corporation subject to the provisions of this chapter, or any foreign corporation licensed by the commissioner to do business under this chapter, has violated its charter or any law, or is conducting its business in an unsafe or unauthorized manner, the commissioner shall by an order direct the discontinuance of the illegal and unsafe or unauthorized practices, and strict conformity with the requirements of the law, and that it proceed with safety and security in its transactions, and he may order the delinquent to appear before him, at a time and place fixed in the order, to present any explanation in defense of the practices directed in the order to be discontinued.

3. Whenever it shall appear to the commissioner that the total reserves of any corporation required by law to maintain reserves are below the amount required by law to be maintained, he may issue an order directing that the corporation make good the reserves forthwith or within a time specified in the order.

4. Whenever it shall appear to the commissioner that any corporation, subject to the provisions of this chapter, does not keep its books and accounts in such manner as to enable him readily to ascertain its true condition, he may issue an order requiring the corporation or the officers thereof or any of them to open and keep such books of account as he may, in his discretion, determine and prescribe for the purpose of keeping accurate and convenient records of the transactions and accounts of the corporation; and if wrong entries or unlawful uses of the funds of the corporation have been made, the commissioner shall order that the entries shall be corrected, and the sums unlawfully paid out shall be restored by the person or persons responsible for the wrongful or illegal payment thereof.

5. If any corporation shall fail or refuse to comply with any duly issued order provided for in chapters 361 and 362, it shall forfeit to the state the sum of one hundred dollars for every day it so fails or refuses, after it receives notice of the order; provided, that in addition to the penalty the commissioner may in his discretion report the delinquency to the attorney general, with request that he proceed as provided in section 361.270 and in the event of such request, the attorney general shall so proceed.

361.340. Circumstances under which possession of director may terminate.—When the commissioner shall have duly taken possession of such corporation, under any provision of this chapter, he may hold such possession until its affairs are finally liquidated by him, unless

(1) He shall have permitted such corporation to resume business pursuant to the provisions of section 361.370;

(2) The commissioner shall have been directed by order of court to surrender such possession, pursuant to the provisions of section 361.360;

(3) The commissioner shall have appointed the Federal Deposit Insurance Corporation as the liquidating agent of a bank insured thereby and the Federal Deposit Insurance Corporation shall have accepted the appointment subject to approval of the circuit court, or the judge thereof in vacation, in the judicial district in which the principal office of such corporation is located, pursuant to the provisions of section 361.365;

(4) The stockholders of such corporation, at a meeting called by the commissioner pursuant to the provisions of section 361.580, shall have duly determined to appoint and shall have appointed an agent or agents to continue the liquidation of such corporation, and such agent or agents shall have qualified to take possession of its remaining assets as provided in section 361.600;

(5) The depositors and other creditors of such corporation and the expenses of such liquidation shall have been paid in full.

361.360. Director may take possession, when.—At any time within ten days after the commissioner has taken possession of the property and business of any such corporation, such corporation, with the approval of its board of directors, may apply to the circuit court, or the judge thereof in vacation, in the judicial district in which the principal office of such corporation is located, for an order requiring the commissioner to show cause why he should not be enjoined from continuing such possession. The court or the judge thereof in vacation, may, upon good cause shown, direct the commissioner to refrain from further proceedings and to surrender such possession.

361.365. Director may appoint the Federal Deposit Insurance Corporation as liquidating agent—effect of.—1. The commissioner may appoint the Federal Deposit Insurance Corporation as liquidating agent of any banking corporation insured thereby of which he has duly taken possession under any provision of this chapter and the Federal Deposit Insurance Corporation as liquidating agent shall thereupon be

vested with both legal and equitable title to all the assets, rights, claims and other real and personal property of the closed bank. The Federal Deposit Insurance Corporation as liquidating agent shall have power to perform all acts of the commissioner in the liquidation of the closed bank. The commissioner shall petition the circuit court in the judicial district in which the principal office of such insured banking corporation is located for an order confirming the appointment of the Federal Deposit Insurance Corporation as liquidating agent of such bank.

362.023. Trust company may refuse demand deposits by its articles of incorporation, effect of.—1. Other provisions of the law to the contrary notwithstanding, the articles of agreement of any trust company may preclude the acceptance of demand deposits, in which case, the procedure for granting or denying a charter for the proposed trust company shall be as provided in sections 362.025 to 362.040, except that the determination of need and convenience as provided in section 362.030 shall be limited to the need for fiduciary services as authorized under subsection 2 of section 362.105.

2. No trust company the articles of which preclude or do not affirmatively provide for the acceptance of demand deposits, and no trust company which does not regularly accept demand deposits on the effective date of this act, shall accept demand deposits without a certificate issued by the commissioner authorizing the acceptance of demand deposits. The application for such certificate shall be treated as an application for a new charter and shall be granted or denied as provided in sections 362.030 to 362.040.

362.105. Powers and authority of banks and trust companies.—1. Every bank and trust company created under the laws of this state may:

(1) Conduct the business of receiving money on deposit and allowing interest thereon not exceeding the legal rate or without allowing interest thereon, and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or personal property, and upon collateral of personal security at a rate of interest not exceeding that allowed by law, and also of buying, investing in, selling and discounting negotiable and nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and for all loans and discounts made, the corporation may receive and retain the interest in advance; provided, however, that no bank or trust company shall maintain in this state a branch bank or trust company, or receive deposits or pay checks except in its own banking house or as provided in section 362.107:

(2) Accept for payment, at a future date, drafts drawn upon it by its customers and to issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its correspondents at sight or on time not exceeding one year; provided, that no bank or trust company shall incur liabilities under this subdivision to an amount equal at any time in the aggregate to more than its paid up and unimpaired capital stock and surplus fund, except with the approval of the commissioner under such general regulations as to amount of acceptances as the commissioner may prescribe;

(3) Purchase and hold, for the purpose of becoming a member of a federal reserve bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act" and any amendments thereto; to become a member of the federal reserve bank, and to have and exercise all powers, not in conflict with the laws of this state, which are conferred upon any member by the Federal Reserve Act and any amendments thereto. The member bank or trust company and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state and to all the provisions of this chapter relating to banks or trust companies;

(4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation and to make such payments to and to make such deposits with said Federal Deposit Insurance Corporation and to pay such assessments made by such corporation

as will enable the bank or trust company to obtain the benefits of the insurance of deposits under the act of Congress known as "The Banking Act of 1933" and any amendments thereto;

(5) Invest in a bank service corporation as defined by the act of Congress known as the "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same extent as provided by that act or any amendment thereto;

(6) Receive upon deposit for safekeeping personal property of every description, and to own or control a safety vault and rent the boxes therein;

(7) Purchase and hold the stock of one safe deposit company organized and existing under the laws of the state of Missouri and doing a safe deposit business on premises owned or leased by the bank or trust company at the main banking house and any facility operated by the bank or trust company; provided that the purchasing and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the commissioner, and that all of the shares of the safe deposit company shall be purchased and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales or transfers or pledges in violation hereof to be void.

(8) Act as the fiscal or transfer agent of the United States, of any state, municipality, body politic or corporation and in such capacity to receive and disburse money, to transfer, register and countersign certificates of stock, bonds and other evidences of indebtedness;

(9) Purchase, lease, hold or convey real property for the following purposes:

(a) With the approval of the commissioner, plots whereon there is or may be erected a building or buildings suitable for the convenient conduct of its functions or business or for customer or employee parking even though a revenue may be derived from portions not required for its own use;

(b) Real property conveyed to it in satisfaction or part satisfaction of debts previously contracted in the course of its business;

(c) Real property purchased at sales under judgment, decrees or liens held by it;

(10) Purchase, hold and become the owner and lessor of personal property acquired upon the specific request of and for use of a customer and may incur such additional obligations as may be incident to becoming an owner and lessor of the property, subject to the following limitations:

(a) Lease transactions do not result in loans for the purpose of section 362.170, but the total amount disbursed under leasing obligations or rentals by any bank to any person, partnership, association, or corporation shall at no time exceed the legal loan limit permitted by statute except upon the written approval of the commissioner of finance;

(b) Lease payments are in the nature of rent rather than interest, and the provisions of chapter 408, RSMo., are not applicable;

(11) Contract with another bank or trust company, bank service corporation or other partnership, corporation, association or person, within or without the state, to render or receive services such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar services, or the storage, transmitting or processing of any information or data; except that the contract shall provide, to the satisfaction of the commissioner of finance, that the party providing such services to a bank or trust company will be subject to regulation and examination to the same extent as if the services were being performed by the bank or trust company on its own premises; provided, however, that this subdivision shall not be deemed to authorize a bank or trust company to provide any customer services through any system of electronic funds transfer at places other than bank premises.

(12) Purchase and hold stock in a corporation whose only purpose is to purchase,

lease, hold or convey real property of a character which the bank or trust company holding stock in the corporation could itself purchase, lease, hold or convey pursuant to the provisions of subdivision 9 (a) of this subsection; provided, the purchase and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the commissioner, and that all of the shares of the corporation shall be purchased and held by the bank or trust company and shall not be sold or transferred except as a whole.

2. In addition to the powers and authorities granted in subsection 1, every trust company created under the laws of this state shall be authorized and empowered to:

(1) Receive money in trust and to accumulate the same at such rate of interest as may be obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

(2) Accept and execute all such trusts and perform such duties of every description as may be committed to them by any person or persons whatsoever, or any corporation, and act as assignee, receiver, trustee and depository, and to accept, and execute all such trusts and perform such duties of every description as may be committed or transferred to them by order, judgment or decree of any courts of record of this state or other state, or of the United States;

(3) Take, accept and hold, by the order, judgment or decree of any court of this state, or of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or bequest of any person or corporation, any real or personal property in trust, and to execute and perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions, limitations and restrictions which may be declared, imposed, established or agreed upon in and by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

(4) Buy, invest in and sell all kinds of stocks or other investment securities;

(5) Execute, as principal or surety, any bond or bonds required by law to be given in any proceeding, in law or equity, in any of the courts of this state or other state, or of the United States;

(6) Act as trustee, executor, administrator, guardian, or in any other like fiduciary capacity;

(7) Act as attorney in fact or agent of any person or corporation, foreign or domestic, in the management and control of real or personal property, the sale or conveyance of same, the investment of money, and for any other lawful purpose.

3. In addition to the powers and authorities granted in this section, the commissioner of finance may, from time to time, with the approval of the state banking board, issue orders granting such other powers and authorities as have been granted to financial institutions subject to the supervision of the federal government and which are necessary to enable banks and trust companies to compete. The orders shall be promulgated as provided in section 361.105, RSMo., and shall not be inconsistent with the constitution and the laws of this state.

362.170. "Unimpaired capital", defined—restrictions on loans, and total liability to any one person.—1. As used in this section, the term "unimpaired capital", shall include common and preferred stock, capital notes, the surplus fund, undivided profits and any capital reserves, not subject to known charges as shown on the next preceding published report of the bank or trust company to the commissioner of finance.

2. No bank or trust company subject to the provisions of this chapter shall

(1) Directly or indirectly lend to any individual, partnership, corporation, or body politic, either by means of letters of credit, by acceptance of drafts or by discount or purchase of notes, bills of exchange or other obligations of the individual, partnership, corporation or body politic an amount or amounts in the aggregate which will exceed fifteen percent of the unimpaired capital of the bank or trust company if located in a city having a population of one hundred thousand or over; twenty percent of the unimpaired

capital of the bank or trust company if located in a city having a population of less than one hundred thousand and over seven thousand; and twenty-five percent of the unimpaired capital of the bank or trust company if located elsewhere in the state, with the following exceptions:

(a) The restrictions in this subdivision shall not apply to

a. Bonds or other evidences of debt of the government of the United States or its territorial and insular possessions or of the state of Missouri or of any city, county, town, village or political subdivision of this state;

b. Bonds or other evidences of debt the issuance of which is authorized under the laws of the United States, and as to which the government of the United States has guaranteed or contracted to provide funds to pay both principal and interests;

c. Bonds or other evidences of debt of any state of the United States other than the state of Missouri or of any county, city or school district of the foreign state, which county, city or school district shall have a population of fifty thousand or more inhabitants, and which shall not have defaulted for more than one hundred and twenty days in the payment of any of its general obligation bonds or other evidences of debt, either principal or interest, for a period of ten years prior to the time of purchase of the investment and provided that the bonds or other evidences of debt shall be a direct general obligation of the county, city or school district;

d. Loans to the extent that they are insured or covered by guaranties or by commitments or agreements to take over or purchase made by any department, bureau, board, commission or establishment of the United States, including any corporation, wholly owned, directly or indirectly, by the United States, pursuant to the authority of any act of Congress heretofore or hereafter adopted or amended or pursuant to the authority of any executive order of the President of the United States heretofore or hereafter made or amended under the authority of any act of Congress heretofore or hereafter adopted or amended, and the part of the loan not so agreed to be purchased or discounted is within the restrictive provisions of this section;

e. Obligations to any bank or trust company in the form of notes of any person, copartnership, association or corporation, secured by not less than a like amount of direct obligations of the United States which will mature in not exceeding five years from the date the obligations to the bank are entered into.

(b) The total liabilities to the bank or trust company of any individual, partnership or corporation may equal but not exceed thirty-five percent of the unimpaired capital of the bank or trust company; provided, that all of the total liabilities in excess of the legal loan limit of the bank or trust company as defined in this subdivision is upon paper based upon the collateral security of warehouse receipts covering agricultural products or the manufactured or processed derivatives of agricultural products in public elevators and public warehouses subject to state supervision and regulation in this state or in any other state of the United States, under the following conditions: First, that the actual market value of the property held in store and covered by the receipt shall at all times exceed by at least fifteen percent the amount loaned upon it; and second, that the property covered by the receipts shall be insured to the full market value thereof against loss by fire and lightning, the insurance policies to be issued by corporations or individuals licensed to do business by the state in which the property is located, and when the insurance has been used to the limit that it can be secured, then in corporations or with individuals licensed to do an insurance business by the state or county of their incorporation or residence; and all policies covering property on which the loan is made shall have endorsed thereon, "loss, if any, payable to the holder of the warehouse receipts"; and provided further, that in arriving at the amount that may be loaned by any bank or trust company to any individual, partnership or corporation on elevator or warehouse receipts there shall be deducted from the thirty-five percent of its unimpaired capital the total of all other liabilities of the individual, partnership or corporation to the bank or trust company.

(c) In computing the total liabilities of any individual to a bank or trust company there shall be included all liabilities to the bank or trust company of any partnership of which he is a member, and any loans made for his benefit or for the benefit of the partnership; of any partnership to a bank or trust company there shall be included all liabilities of and all loans made for the benefit of the partnership; and of any corporation to a bank or trust company there shall be included all loans made for the benefit of the corporation.

(d) The purchase or discount of drafts, or bills of exchange drawn in good faith against actually existing values, shall not be considered as money borrowed within the meaning of this section; and the purchase or discount of negotiable or nonnegotiable installment consumer paper which carries the full recourse endorsement or guaranty or agreement to repurchase of the person, copartnership, association or corporation negotiating the same, shall not be considered as money borrowed by the endorser or guarantor or the repurchaser within the meaning of this section, provided that the files of the bank or trust company acquiring the paper contain the written certification by an officer designated for this purpose by its board of directors that the responsibility of the makers has been evaluated and the acquiring bank or trust company is relying primarily upon the makers thereof for the payment of the paper.

(e) For the purpose of this section, a loan guaranteed by an individual who does not receive the proceeds of the loan shall not be considered a loan to the guarantor.

(2) Nor shall any of its directors, officers, agents or employees directly or indirectly purchase or be interested in the purchase of any certificate of deposit, pass book, promissory note or other evidence of debt issued by it, for less than the principal amount of the debt, without interest, for which it was issued. Every bank or trust company or person violating the provisions of this subdivision shall forfeit to the state the face value of the note or other evidence of debt so purchased.

(3) Make any loan or discount on the security of the shares of its own capital stock, or be the purchaser or holder of these shares, unless the security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition unless the time is extended by the finance commissioner. Any bank or trust company violating any of the provisions of this subdivision shall forfeit to the state the amount of the loan or purchase.

(4) Knowingly lend, directly or indirectly, any money or property for the purpose of enabling any person to pay for or hold shares of its stock, unless the loan is made upon security having an ascertained or market value of at least fifteen percent more than the amount of the loan. Any bank or trust company violating the provision of this subdivision shall forfeit to the state the amount of the loan.

(5) No salaried officer of any bank or trust company shall use or borrow for himself directly or indirectly any money or other property belonging to any bank or trust company of which he is an officer, in excess of ten percent of the unimpaired capital of the bank or trust company, nor shall the total amount loaned to all salaried officers of any bank or trust company exceed twenty-five percent of the unimpaired capital of the bank or trust company. Where loans are made to salaried officers they must first be approved by a majority of the board of directors of the executive or discount committee, the approval to be in writing and the officer to whom the loans are made, not voting. The form of the approval shall be as follows:

We, the undersigned, constituting a majority of the _____ of the _____ (bank or trust company), do hereby approve a loan of \$_____ to _____ it appearing that the loan is not more than 10 percent of the unimpaired capital of _____ (bank or trust company); it further appearing that the loan will not make the

aggregate of loans to salaried officers more than 25 percent of the unimpaired capital of the bank or trust company.

Dated this _____ day of _____, 19____.

Provided, if the officer shall own or control a majority of the stock of any other corporation, a loan to that corporation shall be considered for the purpose of this subdivision as a loan to him. Every bank or trust company or officer thereof knowingly violating the provisions of this subdivision shall, for each offense, forfeit to the state the amount lent.

(6) Invest or keep invested in the stock of any private corporation, except as provided in this chapter.

(7) Provided, that the provisions in this section shall not be so construed as in any wise to interfere with the rules and regulations of any clearing house association in this state in reference to the daily balances; and provided, that this section shall not apply to balances due from any correspondent subject to draft.

(8) Provided, that a trust company which does not accept demand deposits shall be permitted to make loans secured by a first mortgage or deed of trust on real estate to any individual, partnership or corporation, and to deal and invest in the interest-bearing obligations of any state, or any city, county, town, village, or political subdivision thereof, in an amount not to exceed its unimpaired capital, the loans on real estate not to exceed sixty-six and two-thirds percent of the appraised value of the real estate.

3. Any officer, director, agent, clerk or employee of any bank or trust company who willfully and knowingly makes or concurs in making any loan, either directly or indirectly, to any individual, partnership or corporation or by means of letters of credit, by acceptance of drafts or by discount or purchase of notes, bills of exchange or other obligation of any person, partnership or corporation, in excess of the amounts set out in this section, shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for not less than two years nor more than ten years or by imprisonment in the county jail for not exceeding one year or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

4. A trust company in existence on October 15, 1967, or a trust company incorporated thereafter which does not accept demand deposits, may invest in but shall not invest or keep invested in the stock of any private corporation an amount in excess of fifteen percent of the capital and surplus fund of the trust company; provided, however, that this limitation shall not apply to the ownership of the capital stock of a safe deposit company as provided in section 362.105; nor to the ownership by a trust company in existence on October 15, 1967, or its stockholders of a part or all of the capital stock of one bank organized under the laws of the United States or of this state, nor to the ownership of a part or all of the capital of one corporation, organized under the laws of this state, for the principal purpose of receiving savings deposits or issuing debentures or loaning money on real estate or dealing in or guaranteeing the payment of real estate securities, or investing in other securities in which trust companies may invest under this chapter; nor to the continued ownership of stocks lawfully acquired prior to January 1, 1915.

362.210. Reserves against demand deposits.—1. Every bank and trust company shall maintain total reserves against its aggregate demand deposits as follows:

(1) Eighteen percent of the deposits, if the bank or trust company is located in a city having a population of two hundred thousand or over;

(2) Fifteen percent of the deposits, if the bank or trust company is located in a city

having a population of twenty-five thousand or over and less than two hundred thousand:

(3) Fifteen percent of the deposits, if the bank or trust company is located elsewhere in the state.

2. If any bank or trust company shall have become a member of any reserve bank, it may maintain as reserves on deposit with the federal reserve bank such portion of its total reserves as shall be required or permitted of members of the federal reserve bank.

362.225. Reserve depositories.—1. Any bank or trust company may keep not more than fifty percent of the reserves on deposit provided for by sections 362.210, 362.215 and 362.217 invested in:

(1) Unencumbered obligations of the United States government or obligations which are fully guaranteed as to principal and interest by the United States government maturing in five years or less; or

(2) Unencumbered funds sold to approved depositories to the extent permitted by the Federal Deposit Insurance Corporation for insured institutions; or

(3) Securities of the type eligible for investment under subdivision (1) purchased from approved depositories under agreements to resell, to the extent permitted by the Federal Deposit Insurance Corporation for insured institutions.

2. All required reserves not so invested may be kept in a depository or depositories designated by it, and which, except as otherwise provided in said sections, shall be a bank, trust company or national banking association approved by the finance commissioner.

362.245. Board of directors—qualifications.—1. The affairs and business of the corporation shall be managed by a board of directors, consisting of not less than five nor more than thirty-five stockholders who shall be elected annually; except, that trust companies in existence on October 13, 1967, may continue to divide the directors into three classes of equal number, as near as may be, and to elect one class each year for three year terms.

2. Each director shall be a citizen of the United States, and at least a majority of the directors must be residents of this state at the time of their election and during their continuance in office; provided, however, that if a director actually resides within a radius of one hundred miles of the banking house of said bank or trust company, even though his residence be in another state adjoining and contiguous to the state of Missouri, he shall for the purposes of this section be considered as a resident of this state and in event such director shall be a nonresident of the state of Missouri he shall upon his election as a director file with the president of the banking house written consent to service of legal process upon him in his capacity as a director by service of the legal process upon the president as though the same were personally served upon the director in Missouri.

3. If at a time when not more than a majority of the directors are residents of this state, any director shall cease to be a resident of this state or adjoining state as defined in subsection 2 he shall forthwith cease to be a director of the bank or trust company and his office shall be vacant.

4. Every director of a trust company, and every director of a bank shall be a stockholder of the bank or trust company; and every person elected to be a director who, after the election, shall hypothecate, pledge or cease to be the owner in his own right of the stock aforesaid, shall cease to be a director of the bank or trust company and his office shall be vacant, and he shall not be eligible for re-election as a director for a period of one year from the date of the next succeeding annual meeting, and no person shall be a director in any bank or trust company against whom such bank or trust company shall hold a judgment.

362.250. Oath of directors to be subscribed and certified—to be filed by director—penalty.—1. Every person elected director of a bank or trust company shall, within thirty days after election, qualify himself as director by filing with the

officers of the bank or trust company an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of the bank or trust company, and will not knowingly violate, or willingly permit to be violated, any of the provisions of law applicable to the bank or trust company, and that he is the owner in good faith and in his own right, of shares of stock, subscribed by him or standing in his name on the books of the bank or trust company and that these shares are not hypothecated, or in any way pledged as security for any loan or debt, and, in case of re-election or reappointment, that the stock was not hypothecated or in any way pledged as security for any loan or debt during his previous term.

2. The oath shall be subscribed by the director making it, and certified by an officer authorized by law to administer oaths, and the fact of the oath having been made and filed with the officers of the bank or trust company shall be noted on the records of the acts of the directors.

3. The oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the commissioner and shall be filed and preserved in his office.

4. Failure to comply with this provision within the time specified shall work a forfeiture of the position; provided, however, that the commissioner may, for cause deemed sufficient by him, extend the time; and when any vacancy occurs by this failure the board of directors shall, at the next regular meeting thereafter, enter the fact of the vacancy upon their records and promptly proceed to elect some competent person to fill the vacancy for the unexpired term.

362.275. Monthly meeting of board—review of certain transactions.—The board of directors of every bank and trust company organized or doing business under this chapter shall hold a regular meeting at least once each month. There shall be submitted to the meeting a list giving the aggregate of loans, discounts, acceptances and advances, including overdrafts, to each individual, partnership, corporation or person whose liability to the bank or trust company has been created, extended, renewed or increased since the last regular meeting of the board by more than an amount to be determined by the board of directors, which minimum amount shall not exceed ten thousand dollars and a list of the aggregate indebtedness of each borrower whose aggregate indebtedness exceeds five times said minimum amount; and also a list showing all paper past due thirty days or more and also a list showing the aggregate of the then existing indebtedness and liability to the bank or trust company of each of the directors, officers and employees thereof. If there is collateral to the indebtedness, it shall be described as of the date of the meeting. No bills payable shall be made, and no bills shall be rediscounted by the bank or trust company, except with the consent or ratification of the board of directors; provided, however, that if the bank or trust company be a member of the federal reserve system, rediscounts may be made to it by the officers in accordance with its rules, a list of all rediscounts to be submitted to the next regular meeting of the board. The commissioner of finance may require, by order, that the board of directors of a bank or trust company approve or disapprove every purchase or sale of securities and every discount, loan, acceptance renewal or other advance including every overdraft over an amount to be specified in the commissioner's order. The minutes of the meeting shall indicate the compliance with the requirements of this section.

362.470. Joint deposits.—1. When a deposit is made by any person in the name of the depositor and any one or more other persons, whether minor or adult, as joint tenants or in form to be paid to any one or more of them, or the survivor or survivors of them and whether or not the names are stated in the conjunctive or the disjunctive or otherwise, the deposit thereupon and any additions thereto made by any of these persons, upon the making thereof, shall become the property of these persons as joint tenants, and the same, together with all interest thereon, shall be held for the exclusive use of the persons so named, and may be paid to any one of such persons during his

lifetime, or to any one of the survivors of them after the death of any one or more of them. The making of a deposit in such form, and the making of additions thereto, in the absence of fraud or undue influence, shall be conclusive evidence in any action or proceeding to which either the bank or trust company or any survivor is a party of the intention of all the parties to the account to vest title to the account and the additions thereto and all interest thereon in the survivor. By written instructions of all joint tenants given to the bank or trust company they may require the signatures of more than one of such persons during their lifetimes or of more than one of the survivors after the death of any one of them on any order for payment, withdrawal, check endorsement or receipt, in which case the bank shall honor orders to pay or withdrawals and make payments of interest only in accordance with such instructions, but no such instructions shall limit the right of the sole survivor or of all of the survivors to all or any part of any such deposit or interest thereon. The payment and the receipt or acquittance of the one to whom the payment is made as provided in this section shall be a valid and sufficient release and discharge to the bank or trust company, whether any one or more of the persons named is dead or alive, for all payments made on account of such deposit prior to the receipt by the bank or trust company of notice in writing signed by any one of the joint tenants not to pay the deposit in accordance with the terms thereof. After receipt of such notice a bank or trust company may refuse without liability to honor any check or other order to pay, withdrawal, receipt, or to pay out any interest thereon pending determination of the rights of the parties. No bank or trust company paying any survivor in accordance with the provisions of this section shall thereby be liable for any estate, inheritance or succession taxes which may be due this state. As to any minor who is a joint tenant as provided in this section, all of the provisions of section 362.465, shall apply.

2. If more than two persons are named as such depositors and one of them dies, the deposit becomes the property of the survivors as joint tenants.

3. The pledge or assignment to the bank or trust company of all or part of a joint tenancy deposit or the interest thereon, signed by any joint tenant or tenants, whether minor or adult, upon whose signature or signatures withdrawals may be made from the account shall be a valid pledge or transfer to the bank or trust company of that part of the deposit pledged or assigned, and shall not operate to sever or terminate the joint tenancy of or any part of the account, subject to the effect of the pledge or assignment.

4. The adjudication of incompetency of any one or more joint tenants shall not operate to sever or terminate the joint tenancy of any part of the deposit and the deposit may be withdrawn, paid out or pledged by any one or more of the joint tenants in the same manner as though the adjudication of incompetency had not been made except that any payment, withdrawal or pledge on behalf of the incompetent joint tenant shall be by his guardian.

5. Any deposit made in the name of two persons or the survivor thereof who are husband and wife shall be considered a tenancy by the entirety unless otherwise specified.

362.483. Safe deposit corporation may be granted a certificate of incorporation by director, when—purposes of corporation.—1. The commissioner of finance may grant a certificate of incorporation for a safe deposit corporation, all of the stock of which will be held by a bank or trust company, in the manner provided for the incorporation of banks and trust companies in sections 362.020 to 362.035.

2. Any such safe deposit corporation shall be incorporated only for the purpose of taking and receiving as bailee for safekeeping and storage only, jewelry, plate, money, specie, bullion, stocks, bonds, securities and valuable papers of any kind, and other valuables, upon such terms and for such compensation as may be agreed upon; and letting out vaults, safes and other receptacles for the uses, purposes and benefits of such corporation.

362.487. Joint renters of safe deposit boxes authorized—effect of.—Any bank or trust company doing a safe deposit business and any safe deposit company owned by a bank or trust company may enter into a rental contract under which a safe deposit box is rented in the names of two or more persons, whether residents or nonresidents of this state, as joint renters, provided that the joint renters are husband and wife or parents and children. If the rental contract provides that one or more of such persons, or the survivor thereof, has access and entry to the box and the right to remove the contents whether the other renter or renters are living, incompetent or dead, the bank, trust company or safe deposit company so renting the box, or upon the premises of which the box is located, shall not be liable for the removal of any of the contents of the box or the survivor thereof. No presumption of ownership of the contents of any such box shall be deemed to be created by the rental contract.

362.590. Bond not required of banks and trust companies, when acting as fiduciaries.—Any state or national bank or trust company qualified to act as fiduciary in this state, shall be permitted to qualify as guardian, executor, administrator, assignee, receiver, trustee, or in any fiduciary capacity, by appointment of any court, or under will, or depository of money in court, without giving bond as such, and become sole guarantor or surety in or upon any bond required by law to be given in any proceeding in law or equity in any of the courts of this state or other states or of the United States, any other statute to the contrary notwithstanding.

Section 2. Minimum fee may be charged on loan—exception.—In lieu of the rate of ten percent per annum, parties may agree in writing for a fee of ten dollars on any loan; provided, however, that no lender shall permit any borrower to be indebted to such lender on two or more contracts at any given time for the purpose or with the result of contracting for or receiving fees exceeding that permitted by this section.

Approved July 29, 1977.

[S. B. 250]

BUSINESS AND FINANCIAL INSTITUTIONS: Common trust funds.

AN ACT to repeal section 362.580, RSMo 1969, relating to common trust funds and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

362.580. Common trust fund authorized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 362.580, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 362.580, to read as follows:

362.580. Common trust fund authorized.—1. Any state or national bank or trust company qualified to act as fiduciary in this state may establish common trust funds for the purpose of furnishing investments to itself as fiduciary, or to itself and others as cofiduciaries, or to other banks and trust companies acting as fiduciaries or cofiduciaries. Funds may be invested in such common trust fund only if the investment is not prohibited by the instrument, judgment, decree, or order creating the fiduciary relationships, and if, in the case of cofiduciaries, the banks or trust companies procure the consent of their cofiduciaries to the investment.

2. This section shall apply to fiduciary relationships now in existence or hereafter established.

Approved June 2, 1977.

[H. C. S. H. B. 48]

BUSINESS AND FINANCIAL INSTITUTIONS: Credit unions.

AN ACT to repeal sections 367.100 and 370.220, RSMo 1969 and section 370.107, RSMo Supp. 1975, relating to credit unions, and to enact in lieu thereof nineteen new sections relating to the same subject.

SECTION

- 1. Enacting clause.
- 367.100. Definitions.
- 370.005. Director defined.
- 370.071. Additional powers of a credit union.
- 370.107. Annual fee—how computed.
- 370.220. Duties of credit committee—credit manager authorized—delegation of loan authority, when—extension of credit, when.
- 370.365. Central credit union defined—how formed—fee, how determined.
- 370.370. Credit union share guaranty corporations authorized.
- 370.371. Credit union share guaranty corporations, organized, how.
- 370.372. Purpose of credit union share guarantee corporations.

SECTION

- 370.373. Powers of corporation.
- 370.374. Directors, number elected, how.
- 370.375. Annual examination, cost of, how paid.
- 370.376. Bylaws, how amended.
- 370.377. Domestic credit unions must become members of share guaranty corporations—federal and foreign credit unions may join.
- 370.378. Membership fees, how computed.
- 370.379. Membership fee deemed part of reserves.
- 370.380. Special assessments, when authorized, how computed.
- 370.381. Waiver of annual assessment, when.
- 370.382. Corporation rules authorized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 367.100 and 370.220, RSMo 1969 and section 370.107, RSMo Supp. 1975 are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 367.100, 370.005, 370.071, 370.107, 370.220, 370.365, 370.370, 370.371, 370.372, 370.373, 370.374, 370.375, 370.376, 370.377, 370.378, 370.379, 370.380, 370.381 and 370.382, to read as follows:

367.100. Definitions.—As used in sections 367.100 to 367.200:

(1) "Consumer credit loans" shall mean loans for the benefit of or use by an individual or individuals:

(a) Secured by a security agreement or any other lien on tangible personal property or by the assignment of wages, salary or other compensation; or

(b) Unsecured and whether with or without comakers, guarantors, endorsers or sureties;

(2) "Director" shall mean the director of the division of finance or such agency or agencies as may exercise the powers and duties now performed by such director;

(3) "Lender" shall mean any person engaged in the business of making consumer credit loans. A person who makes an occasional consumer credit loan or who occasionally makes loans but is not regularly engaged in the business of making consumer credit loans shall not be considered a lender subject to sections 367.100 to 367.200;

(4) "Person" shall include individuals, partnerships, associations, trusts, corporations, and any other legal entities, excepting those corporations whose powers emanate from the laws of the United States and those which under other law are subject to the supervisory jurisdiction of the director of the division of finance of Missouri, the director of the division of credit unions or of the director of the division of savings and loan supervision of Missouri;

(5) "Supervised business" shall mean the business of making consumer credit loans, as herein defined, of money, credit, goods, or things in action.

370.005. Director defined.—As used in this chapter, the term "director" means the director of the division of credit unions of the department of consumer affairs, regulation and licensing.

370.071. Additional powers of a credit union.—A credit union may have the following additional powers:

(2) To contract for group insurance plans, approved by the state of Missouri, on

behalf of members electing to participate in such insurance programs, which charge participating members, in addition to the cost of the programs, a fee which does not exceed the direct and indirect costs incident to providing this service;

(3) To exercise such additional powers, with the approval of the director, as federally chartered credit unions may be authorized under federal statutes;

(4) To hold membership in central credit unions whose field of membership includes credit unions, and to invest funds in shares of corporations to aid the liquidity of credit unions.

370.107. Annual fee—how computed.—On or before November fifteenth of each fiscal year, every credit union operating under the laws of this state shall pay to the department of revenue a fee based on the total assets of the credit union as of September thirtieth of the preceding fiscal year according to the following table:

Total Assets	Fee
Less than \$15,000	\$10.50.
Over \$15,000 and not over \$50,000	\$10.50 plus 70 cents per \$1,000 in excess of \$15,000.
Over \$50,000 and not over \$200,000	\$35.00 plus 60 cents per \$1,000 in excess of \$50,000.
Over \$200,000 and not over \$500,000	\$125.00 plus 50 cents per \$1,000 in excess of \$200,000.
Over \$500,000 and not over \$1,000,000	\$275.00 plus 40 cents per \$1,000 in excess of \$500,000.
Over \$1,000,000 and not over \$2,000,000	\$475.00 plus 30 cents per \$1,000 in excess of \$1,000,000.
Over \$2,000,000 and not over \$3,000,000	\$775.00 plus 20 cents per \$1,000 in excess of \$2,000,000.
Over \$3,000,000 and not over \$5,000,000	\$975.00 plus 10 cents per \$1,000 in excess of \$3,000,000.
Over \$5,000,000	\$1,175.00 plus 5 cents per \$1,000 in excess of \$5,000,000.

In addition to the foregoing fees, the director may assess each credit union an additional amount the total of which assessments together with the fees above provided shall equal the budget of the office of the director of the division of credit unions when such budget exceeds the expected receipts from the fees; and this additional assessment shall be known as a surcharge, which shall in no year exceed sixty percent of the fee paid by credit unions according to the fee schedule above; provided, however, that the percentage of surcharge assessed in any one year shall be the same rate for all credit unions. The shares of one credit union which are owned by another credit union shall be excluded from the assets of the first credit union for the purpose of computing the supervisory fee levied pursuant to this section.

370.220. Duties of credit committee—credit manager authorized—delegation of loan authority, when—extension of credit, when.—1. The credit committee shall approve every loan or advance made by the credit union to its members.

2. Every application for a loan shall be in writing, on a form prepared by the

board of directors, and shall state the purpose for which the loan is desired and the security, if any, offered.

3. Security must be taken for any loan in excess of five thousand dollars; endorsement of a note or assignment of shares in any credit union shall be deemed security within the meaning of this section.

4. No loan shall be made unless it has received the unanimous approval of the members of the committee present when the loan was considered, which number shall constitute at least a majority of the committee. However, in the case of any credit union having total assets in excess of fifty thousand dollars, the board of directors may authorize the credit committee to appoint a credit manager. The credit manager, subject to the supervision of the committee, may be delegated authority by the credit committee to act on all or some applications for loans and to approve them, reporting thereon to the credit committee within fifteen days.

5. An applicant for a loan may appeal to the directors from the decision of the credit committee, if it is so provided in the bylaws, and in the way and manner therein provided.

6. The credit committee shall meet as often as may be required after due notice has been given to each member.

7. Notwithstanding any other provisions in this chapter, the credit committee may delegate to the treasurer, or manager, the power to make loans to members provided the amount of any one such loan shall not exceed one hundred dollars and the period of any such loan shall not exceed thirty days.

8. The credit committee or, when authorized, a loan officer may approve in advance upon its or his own motion or upon application by a member, an extension of credit, and loans may be granted to such members within the limits of such extensions of credit. When an extension of credit has been approved, applications for loans need no further consideration as long as the aggregate obligation does not exceed the limits of such extension of credit. The credit committee shall, at least once a year, review, or cause to be reviewed, all extensions of credit and any extension of credit shall expire if the member becomes more than ninety days delinquent in his obligation to the credit union.

370.365. Central credit union defined—how formed—fee, how determined.—1. A central credit union is one organized for the primary purpose of serving other credit unions; except that, where the dollar amount of shares held by credit unions and associations of credit unions shall fall below seventy-five percent of the total shareholdings, the director may suspend the privilege of operating as a central credit union.

2. A central credit union may be chartered in the same manner as are all other credit unions, except that, the field of membership shall be limited to credit unions, associations of credit unions and other persons expressly identified in the bylaws; and further, central credit unions may invest in the shares of other credit unions including other central credit unions, may purchase loans from credit unions, may borrow up to five times its capital, surplus and reserve fund, may lend to each member no more than twenty-five percent of its assets, and may be required to insure its deposits only when so ordered by the director.

3. When a central credit union is organized under this section, the director, in lieu of other fees, shall charge the actual and necessary costs of examination, not to exceed three thousand dollars to the central credit union.

370.370. Credit union share guaranty corporations authorized.—Notwithstanding any provisions of chapter 370, RSMo, there may be organized "credit union share guaranty corporations" which shall comply with the provisions of this act.

370.371. Credit union share guaranty corporations, organized, how.—A credit union share guaranty corporation may be organized by the duly authorized representatives of not less than twenty-five credit unions chartered and existing under

chapter 370, RSMo. or by an association of credit unions where such association is composed of a majority of the credit unions chartered and in existence under chapter 370, RSMo. Application to form a guaranty corporation shall be made in writing to the director of the division of credit unions. The application shall be accompanied by a certificate of organization, proposed by laws and a fee of five hundred dollars, together with the names of the applicants who shall have agreed to subscribe to membership in the corporation. When the director finds that the application is in order and in compliance with the provisions of this section, the director shall charter the corporation which may begin operations as a not for profit corporation when the charter and bylaws have been filed with the secretary of state. In all respects, except as otherwise provided in this act, the provisions of chapter 355, RSMo. shall apply to the corporations organized hereunder.

370.372. Purpose of credit union share guaranty corporations.—The general purpose of the not for profit corporations organized under this act shall be to aid and to assist member credit unions which develop financial problems such as insolvency, nonliquidity and liquidation, irrespective of the cause, and to assist member credit unions in the process of merger or consolidation, in order that the shares of each member of member credit unions shall be protected and guaranteed to the total amount of the members' shares and deposits up to a total of fifty thousand dollars in shares and deposits for each member of an insured member credit union and up to a total of fifty thousand dollars in deposits for each nonmember depositor.

370.373. Powers of corporation.—A corporation may make contracts; sue and be sued; adopt, use and display a corporate seal; advance funds to aid member credit unions to operate and to meet liquidity requirements; assist in the orderly liquidation of credit unions; receive money or property from its member credit unions, or any corporation, association or person; invest its funds in the same manner as provided for credit unions in chapter 370, RSMo, except that such investments shall not exceed eighty percent of the outstanding capital of a corporation; borrow money from any source, upon such terms and conditions as the directors of the corporation may determine to accomplish the purposes of this act; purchase in its own name, hold and convey real and personal property; receive by assignment or purchase from its member credit unions any notes, mortgages, real estate, securities or other assets; adopt and amend bylaws, rules and regulations for the corporation, for the purpose of carrying out the purposes of this act; enter into agreements which aid the corporation in the accomplishment of its purposes with similar entities organized under federal statutes or the statutes of another state; and enter into agreements for reinsurance.

370.374. Directors, number elected, how.—The corporation's business shall be conducted by the incorporators who shall serve until the organizational meeting of the corporation at which time not less than seven directors shall be elected by the members of the corporation in accordance with the bylaws. Each member shall have one vote in the election of directors and in all other business transacted at meetings of the corporation.

370.375. Annual examination, cost of, how paid.—Each corporation organized under this act shall be subject to the supervision of and an annual examination by the director, the cost of which shall be paid by the corporation.

370.376. Bylaws, how amended.—The bylaws of a corporation and any amendments thereto shall be submitted to the director for his approval. These bylaws may be amended at any regular or special meeting of the directors or at any annual meeting of the corporation.

370.377. Domestic credit unions must become members of share guaranty corporations.—1. All credit unions chartered and existing under chapter 370, RSMo. shall become members of a credit union share guaranty corporation; credit unions operating under federal charter or chartered by another state, and corporations and

associations wholly owned by or composed of credit unions, may become members, upon application to and approval of the directors, of a credit union share guaranty corporation. Each state-chartered credit union must file its application for membership in the corporation within one year of the effective date of this act. Any credit union whose application for membership is not approved by the corporation must reapply for membership within one year of the date on which the trustees refused to approve the initial application. The director of the division of credit unions shall order the liquidation of any credit union whose application for membership is not approved within three years from the effective date of this act. Any state-chartered credit union whose shares are insured by the national credit union administration on the effective date of this act may continue to be so covered, but shall, upon termination of such insurance coverage, forthwith apply for coverage under this act.

2. A state-chartered credit union may, notwithstanding the foregoing requirement to become a member of a credit union share guaranty corporation, in the alternative apply to and have the shares of its members insured by the national credit union administration. If, at any time, a state-chartered credit union whose shares are covered by a credit union share guaranty program applies to and has the shares of its members insured by the national credit union administration, its insurance with a credit union share guaranty corporation may be terminated, with the prior approval of the director.

370.378. Membership fees, how computed.—The membership fee in a corporation for each credit union member shall be five dollars, or one-half of one percent of the outstanding shares and deposits of the member credit union, whichever is greater. The membership fee, when paid by the individual member credit union, shall be established as a prepaid asset. The membership fee shall be recomputed for each credit union annually on or before December thirty-first based on the total of the credit union's outstanding shares and deposits as of the close of the fiscal year each September thirtieth. The corporation shall collect from or refund to each credit union an amount so that on each December thirty-first the membership fee paid by the credit union to the corporation shall equal one-half of one percent of the outstanding shares and deposits of the member credit union for the fiscal year ending on September thirtieth next before such annual recomputation of the membership fee. The membership fee of each member credit union shall be refunded to each member credit union when the unencumbered funds of the corporation reach two percent of the aggregate total share and deposit capital of the member credit unions of a corporation, as determined from the corporation's annual report, which shall include a summary of member credit union's financial statements. These refunds shall be paid to the then existing credit unions. The directors of the corporation shall by rule determine the membership fee for noncredit union members. In computing the total shares and deposits corporate accounts in excess of fifty thousand dollars may be excluded.

370.379. Membership fee deemed part of reserves.—A member credit union's membership fee in a corporation shall be considered as part of its reserves as required by section 370.320, RSMo.

370.380. Special assessments, when authorized, how computed.—A regular annual assessment, not to exceed one-twelfth of one percent of the member credit union's share and deposit capital, shall be levied by the directors. In the event of potential impairment of a corporation's capital funds, special assessments may be levied by the directors with the approval of the director of the division of credit unions. The member credit union's share and deposit capital as of September thirtieth in each year shall be the basis for computing the assessment due on the first day of the calendar year next following; however, the directors may determine another date on which the annual assessment shall become due and payable. The annual assessment, and any special assessment, when paid by the member credit union, shall be a charge to its reserve fund.

370.381. Waiver of annual assessment, when.—The directors may reduce or waive the annual assessment, with the approval of the director of the division of credit unions, when the total funds of a corporation equal four percent of the aggregate total share capital of member credit unions.

370.382. Corporation rules authorized.—A corporation may issue necessary rules to insure the safety of the funds and to set minimum standards to be met by insured credit unions.

Approved June 8, 1977.

[S. C. S. H. B. 40]

BUSINESS AND FINANCIAL INSTITUTIONS: Credit life or health insurance abuses.

AN ACT to prohibit life and health insurance agents from selling insurance as a condition for a loan made by a financial institution.

SECTION

1. Financial institution defined.
2. Conditioning loan on purchase of credit insurance from certain persons prohibited—freedom of selection of insurer required.

SECTION

3. Refusal to grant or renew insurance license, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Financial institution defined.—As used in this act, "financial institution" means any bank, bank holding company, sales finance company, consumer finance company, credit union, insurance company, lender as that term is defined in subdivision (3) of section 367.100, RSMo, savings and loan association, savings and loan association holding company, savings and loan association service corporation, company operating under the mortgage brokerage laws of this state, or any subsidiary of any of the foregoing. This definition shall not, however, include any financial institution which has been granted an exemption by the Board of Governors of the Federal Reserve System pursuant to Section 4 (d) of the Federal Bank Holding Company Act of 1956, as amended, or any financial institution which neither owns more than ten percent of the capital stock nor exercises effective control of a bank, savings and loan association or entity licensed under the mortgage brokerage laws of this state, which is licensed or authorized to transact business in this state.

Section 2. Conditioning loan on purchase of credit insurance from certain persons prohibited—freedom of selection of insurer required.—No financial institution, as defined in section 1 of this act, shall, as a condition of a loan, require any debtor to purchase life or health insurance from an agent who is employed or retained by, or is a director or officer of the financial institution making the loan. When life or accident and sickness insurance is required or requested as additional security for indebtedness, the debtor shall be informed of the option of furnishing the insurance or any portion thereof, through existing policies owned or controlled by the debtor, or of procuring and furnishing the required coverage through any agent or insurer authorized to transact such insurance business within this state.

Section 3. Refusal to grant or renew insurance license, when.—The director of insurance shall not grant or renew any life or health insurance license if the license has been or is being used by the applicant or licensee for any purpose prohibited by this act. Before the director can deny renewal he shall be required to hold a public hearing, with 10 days notice to the applicant, to determine whether the license has been or is being used contrary to the mandates of this act. Appeal from the decision of the director

shall be to the Administrative Hearing Commission which shall conduct a hearing de novo.

Approved July 28, 1977

[S. B. 274]

BUSINESS AND FINANCIAL INSTITUTIONS: Insurance placed with insurers not authorized to do business in this state.

AN ACT to repeal sections 375.031, 375.036, 375.041, 375.136 and 375.301, RSMo 1969, and section 375.786, RSMo Supp. 1975, relating to insurance placed with insurers not authorized to do business in this state, and to enact in lieu thereof twenty-one new sections relating to the same subject.

SECTION

- A. Enacting clause.
- 375.136. Broker placing business with a nonadmitted carrier or nonresident is subject to Chapter 384, RSMo.
- 375.301. Exemptions from provisions of sections 375.256 to 375.301.
- 375.786. Certificate of authority required—exceptions—acts which are deemed transaction of insurance business.
- 384.010. Short title.
- 384.020. Definitions.
- 384.030. Acting as agent for surplus line insurer prohibited—exceptions.
- 384.040. Surplus line brokers license required—license to issue, when—fee—expiration date of license.
- 384.050. Surplus line broker's authority to act—commissions paid to whom—license file required.
- 384.060. Surplus line insurance to be acquired only through licensed broker, exceptions.
- 384.070. Broker to procure surplus line insurance only from eligible surplus line insurers—exception—certain types of insurance not to be procured, exception—excess insurance defined.
- 384.080. Eligible surplus line insurer, requirements to be met—list of eligibles to be published.

SECTION

- 384.090. Policy, certificate or cover note to be issued, when—issuance of false evidence of insurance, penalty for—language required on evidence of insurance.
- 384.100. Surplus line insurer bound by broker's acts, when—insurer deemed to have subjected itself to this section.
- 384.110. Broker must keep copies of confirmation of insurance issued, information to be shown—records to be available to director.
- 384.120. Report to director required, contents of—net premiums defined.
- 384.130. Surplus line broker's tax, rate, when due—tax may be collected from insured.
- 384.140. Violations a felony, penalty.
- 384.150. Surplus line policies, reports to director required on, when.
- 384.160. Insured to file report on surplus line insurance not obtained through a broker—report, contents of, when due—tax imposed—procedure to collect tax.
- 384.170. Delinquent tax, penalty on.
- 384.180. Required records to be kept for five years—procedure to compel production of records.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 375.031, 375.036, 375.041, 375.136 and 375.301, RSMo 1969, and section 375.786, RSMo Supp. 1975, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 375.136, 375.301, 375.786, 384.010, 384.020, 384.030, 384.040, 384.050, 384.060, 384.070, 384.080, 384.090, 384.100, 384.110, 384.120, 384.130, 384.140, 384.150, 384.160, 384.170, and 384.180, to read as follows:

375.136. Broker placing business with a nonadmitted carrier or nonresident is subject to Chapter 384, RSMo.—Any broker placing business with a nonresident agent of a nonadmitted insurance carrier or direct with a nonadmitted insurance carrier or nonresident broker shall be subject to the provisions of chapter 384, RSMo.

375.301. Exemptions from provisions of sections 375.256 to 375.301.—The provisions of sections 375.256 to 375.301 shall not apply to any action, suit or proceeding against any unauthorized insurer arising out of a contract of:

- (1) Reinsurance effectuated in accordance with the laws of Missouri;
- (2) Insurance effectuated in accordance with chapter 384, RSMo;
- (3) Aircraft insurance;
- (4) Insurance on property or operations of railroads engaged in interstate commerce;
- (5) Insurance against legal liability arising out of the ownership, operation or maintenance of any property having a permanent situs outside of this state; or
- (6) Insurance against loss of or damage to any property having a permanent situs outside this state: where the contract contains a provision designating the insurance commissioner to be its true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any contract.

375.786. Certificate of authority required—exceptions—acts which are deemed transaction of insurance business.—1. It shall be unlawful for any insurance company to transact insurance business in this state, as set forth in subsection 2, without a certificate of authority from the director; provided, however, that this section shall not apply to:

- (1) The lawful transaction of insurance as provided in chapter 384, RSMo;
- (2) The lawful transaction of reinsurance by insurance companies;
- (3) Transactions in this state involving a policy lawfully solicited, written and delivered outside of this state covering only subjects of insurance not resident, located or expressly to be performed in this state at the time of issuance, and which transactions are subsequent to the issuance of such policy;
- (4) Attorneys acting in the ordinary relation of attorney and client in the adjustment of claims or losses;
- (5) Transactions in this state involving group life and group sickness and accident or blanket sickness and accident insurance or group annuities where the master policy of such groups was lawfully issued and delivered in and pursuant to the laws of a state in which the insurance company was authorized to do an insurance business, to a group organized for purposes other than the procurement of insurance, and where the policyholder is domiciled or otherwise has a bona fide situs;
- (6) Transactions in this state involving any policy of insurance or annuity contract issued prior to August 13, 1972;
- (7) Transactions in this state relative to a policy issued or to be issued outside this state involving insurance on vessels, craft or hulls, cargoes, marine builder's risk, marine protection and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy;
- (8) Except as provided in chapter 384, RSMo, transactions in this state involving contracts of insurance issued to one or more industrial insureds; provided that nothing herein shall relieve an industrial insured from taxation imposed upon independently procured insurance. An "industrial insured" is hereby defined as an insured:
 - (a) Which procures the insurance of any risk or risks other than life, health and annuity contracts by use of the services of a full-time employee acting as an insurance manager or buyer or the services of a regularly and continuously retained qualified insurance consultant;
 - (b) Whose aggregate annual premiums for insurance excluding workmen's compensation insurance premiums total at least twenty-five thousand dollars; and
 - (c) When has at least twenty-five full-time employees;
- (9) Transactions in this state involving life insurance, health insurance or annuities provided to educational or religious or charitable institutions organized and

operated without profit to any private shareholder or individual for the benefit of such institutions and individuals engaged in the service of such institutions, provided that any company issuing such contracts under this paragraph shall:

(a) File a copy of any policy or contract issued to Missouri residents with the director;

(b) File a copy of its annual statement prepared pursuant to the laws of its state of domicile, as well as such other financial material as may be requested, with the director; and

(c) Provide, in such form as may be acceptable to the director, for the appointment of the director as its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against such company arising out of any policy or contract it has issued to, or which is currently held by, a Missouri citizen, and process so served against such company shall have the same form and validity as if served upon the company.

2. Any of the following acts in this state effected by mail or otherwise by or on behalf of an unauthorized insurance company is deemed to constitute the transaction of an insurance business in this state: (The venue of an act committed by mail is at the point where the matter transmitted by mail is delivered and takes effect. Unless otherwise indicated, the term "insurance company" as used in sections 375.786 to 375.790 includes all corporations, associations, partnerships and individuals engaged as principals in the business of insurance and also includes interinsurance exchanges and mutual benefit societies.)

(1) The making of or proposing to make an insurance contract;

(2) The making of or proposing to make, as guarantor or surety, any contract of guaranty or suretyship as a vocation and not merely incidental to any other legitimate business or activity of the guarantor or surety;

(3) The taking or receiving of any application for insurance;

(4) The receiving or collection of any premium, commission, membership fees, assessments, dues or other consideration for any insurance or any part thereof;

(5) The issuance or delivery of contracts of insurance to residents of this state or to persons authorized to do business in this state;

(6) Directly or indirectly acting as an agent for or otherwise representing or aiding on behalf of another any person or insurance company in the solicitation, negotiation, procurement or effectuation of insurance or renewals thereof or in the dissemination of information as to coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction of matters subsequent to effectuation of the contract and arising out of it, or in any other manner representing or assisting a person or insurance company in the transaction of insurance with respect to subjects of insurance resident, located or to be performed in this state. The provisions of this subsection shall not operate to prohibit full-time salaried employees of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance in behalf of such employer;

(7) The transacting of any kind of insurance business specifically recognized as transacting an insurance business within the meaning of the statutes relating to insurance;

(8) The transacting or proposing to transact any insurance business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of the statutes.

3. (1) The failure of an insurance company transacting insurance business in this state to obtain a certificate of authority shall not impair the validity of any act or contract of such insurance company and shall not prevent such insurance company from defending any action at law or suit in equity in any court of this state, but no insurance company transacting insurance business in this state without a certificate of authority shall be permitted to maintain an action in any court of this state to enforce

any right, claim or demand arising out of the transaction of such business until such insurance company shall have obtained a certificate of authority.

(2) In the event of failure of any such unauthorized insurance company to pay any claim or loss within the provisions of such insurance contract, any person who assisted or in any manner aided directly or indirectly in the procurement of such insurance contract shall be liable to the insured for the full amount of the claim or loss in the manner provided by the provisions of such insurance contract.

384.010. Short title.—This act shall be known as "The Surplus Line Law".

384.020. Definitions.—As used in this act, the following terms mean:

(1) "Admitted insurer", an insurer possessing a certificate of authority to transact insurance in Missouri issued by the director pursuant to section 375.831, RSMo;

(2) "Director", the director of the division of insurance, department of consumer affairs, regulation and licensing;

(3) "Division", the division of insurance, department of consumer affairs, regulation and licensing;

(4) "Eligible surplus line insurer", any reputable, solvent surplus line insurer that the director finds meets the requirements of section 384.080, RSMo;

(5) "Surplus line broker", the holder of a current resident property and casualty broker's license from the division who possesses a current surplus line license from the division issued pursuant to section 384.040, RSMo;

(6) "Surplus line insurance", any direct insurance, other than wet marine and transportation insurance, in respect of risks resident, located, or to be performed in this state, underwritten by a surplus line insurer;

(7) "Surplus line insurer", an insurer not possessing a certificate of authority to transact insurance in Missouri;

(8) "Wet marine and transportation insurance":

(a) Insurance upon vessels, crafts, hulls and of interests therein or with relation thereto.

(b) Insurance of marine builder's risks, marine war risks and contracts of marine protection and indemnity insurance.

(c) Insurance of freights and disbursements pertaining to a subject of insurance coming within this definition, and

(d) Insurance of personal property and interests therein, in the course of exportation from or importation into any country, or in the course of transportation coastwise or on inland waters, including transportation by land, water or air from point of origin to final destination, in connection with any and all risks or perils of navigation, transit or transportation, and while being prepared for and while awaiting shipment, and during any delays, storage, transshipment or reshipment incident thereto.

384.030. Acting as agent for surplus line insurer prohibited—exceptions.—

1. Except as provided in subsection 2 of this section, no person in this state shall directly or indirectly act as an agent for, or otherwise represent or aid on behalf of another, any surplus line insurer, in the solicitation, negotiation, procurement or effectuation of surplus line insurance, or renewals thereof, on risks located in this state.

2. The prohibition of subsection 1 of this section shall not apply to:

(1) The lawful transaction of insurance as provided in this act;

(2) The lawful transaction of reinsurance;

(3) Transactions in this state involving a policy lawfully solicited, written and delivered outside of this state covering only subjects of insurance not resident, located or expressly to be performed in this state at the time of issuance, and which transactions are subsequent to the issuance of such policy;

(4) Attorneys acting in the ordinary relation of attorney and client in the adjustment of claims or losses;

(5) Transactions in this state involving group life and group sickness and accident

or blanket sickness and accident insurance or group annuities where the master policy of such groups was lawfully issued and delivered in and pursuant to the laws of a state in which the insurance company was authorized to do an insurance business, to a group organized for purposes other than the procurement of insurance, and where the policy holder is domiciled or otherwise has a bona fide situs:

(6) Transactions in this state involving any policy of insurance or annuity contract issued prior to the effective date of this act;

(7) Transactions in this state relative to a policy issued or to be issued outside this state involving insurance on the property and operation of railroads, air carriers or motor carriers engaged in interstate or foreign commerce, or wet marine and transportation insurance;

(8) Transactions in this state relative to a policy of life insurance, or annuities, solicited, negotiated, procured and issued, or to be issued, outside this state.

384.040. Surplus line brokers license required—license to issue, when—fee—expiration date of license.—1. No agent or broker licensed by the Missouri division of insurance shall procure any contract of surplus line insurance to be delivered in Missouri that covers a risk or risks situated in this state with any surplus line insurer, unless he possesses a current surplus line broker's license issued by the director or procures such insurance from a surplus line broker as required by 384.050.

2. The director shall issue a surplus lines broker license to any qualified holder of a current resident property and casualty broker's license but only when the broker has:

(1) Remitted the fifty dollar fee to the director;

(2) Submitted a completed license application and that application has been approved by the director; and

(3) Filed with the director and maintains during the term of the license in force and unimpaired a bond in favor of the state of Missouri in the penal sum of ten thousand dollars, aggregate liability, with corporate sureties approved by the director. The bond shall be conditioned on the requirements that the surplus line broker will conduct business under the license in accordance with the provisions of this act and that he will promptly remit the taxes as provided by law. No such bond shall be terminated unless at least thirty days' prior written notice thereof is given to the broker and the director.

3. Each surplus line broker's license shall expire on December thirty-first of each year and shall be renewed before December second of each year upon the payment of a fifty dollar fee and compliance with the other provisions of this section. Any surplus line broker who fails to apply for renewal of the license before December second shall pay a penalty of one hundred fifty dollars before any renewal of the license shall be effected.

384.050. Surplus line broker's authority to act—commissions paid to whom—license file required.—Except when acting directly for an insured, a surplus line broker may only procure surplus line insurance in respect of risks located in this state for brokers properly licensed as such by the division and shall keep on file a copy of the producing broker's license. A surplus line broker may only pay a commission on insurance subject to this act to a producing broker whose license is on file with the surplus line broker.

384.060. Surplus line insurance to be acquired only through licensed broker, exceptions.—1. Except as provided in section 384.160 or in subsection 2 of this section, no person in this state shall procure surplus line insurance on risks located in this state from any surplus line insurer except through a surplus line broker acting in conformity with this act.

2. The requirements of this act shall not apply to:

(1) Reinsurance;

(2) Wet marine and transportation insurance;

(3) Subject to the requirements of sections 384.130 and 384.150, insurance on the property and operations of railroads, air carriers or motor carriers engaged in interstate or foreign commerce; or

(4) Insurance on risks, or portions of risks, located without this state, whether or not owned or operated by persons domiciled in this state.

384.070. Broker to procure surplus line insurance only from eligible surplus line insurers—exception—certain types of insurance not to be procured, exception—excess insurance defined.—1. Except as provided in subsection 2 of this section, the surplus line broker may procure surplus line insurance only from eligible surplus line insurers and only when the insurance is not obtainable from admitted insurers actually transacting in this state the class of insurance required by the insured. Except as provided in subsections 3 and 4 of this section, insurance shall be deemed "obtainable" within the meaning of this section if there is available an adequate competitive market with admitted insurers that can supply the insured's requirements both as to type and cost of coverage and as to quality of security and service.

2. If the coverage required for a particular risk is not obtainable from admitted insurers or eligible surplus line insurers, the surplus lines broker may with the express prior approval of the insured and the director procure the insurance from surplus line insurers that are not admitted insurers or eligible surplus line insurers. If it is impracticable for the surplus line broker to obtain the prior approval of the insured or the director, this approval shall be obtained within twenty working days of the date the surplus line broker first learns that coverage is unobtainable from eligible surplus line insurers.

3. Unless the requirements of subsection 4 of this section are met, the surplus line broker may not procure insurance from surplus line insurers for the following classes of insurance:

- (1) Insurance on the life of a natural person;
- (2) Accident and sickness insurance;
- (3) Disability insurance;
- (4) Insurance covering the risk of liability for bodily injury or property damage arising out of the ownership or operation of a private passenger automobile;
- (5) Insurance covering the risk of collision of or other physical loss or damage to a private passenger automobile;
- (6) Insurance covering the perils of fire, extended coverage or other physical loss or damage to a dwelling of one to four family size.

4. With the prior approval of the director the surplus line broker may procure primary insurance for those classes of insurance listed in subsection 3 of this section from eligible surplus line insurers, but only after satisfying the director that he has made a diligent search among admitted insurers actually transacting in this state the required class of insurance and has procured the insurance required to the full extent such admitted insurers are willing to provide coverage. The surplus line broker may procure excess insurance on risks specified in subsection 3 of this section without prior approval of the director but shall submit the evidence of diligent search required by this subsection with the report required in section 384.150. For the purposes of this subsection, "excess insurance" shall mean coverage on a risk against loss in excess of a stated amount or in excess of coverage provided under another insurance contract.

384.080. Eligible surplus line insurer, requirements to be met—list of eligibles to be published.—1. An eligible surplus line insurer is a surplus line insurer that is:

- (1) Currently licensed to transact insurance in one or more states of the United States, provided it has a capital, surplus, or guaranteed trust fund for the benefit of its policyholders and creditors in the United States, in a minimum amount of five hundred thousand dollars; or
- (2) An alien insurer not licensed to transact insurance in one or more states of the United States, which has established a trust fund in a minimum amount of five hundred thousand dollars within the United States maintained in and administered by a bank that is a member of the Federal Reserve System or in some comparable recognized

financial institution and held for the benefit of all of the insurer's policyholders, and beneficiaries, in the United States. In the case of an association of unincorporated alien individual insurers, they shall maintain in a bank that is a member of the Federal Reserve System assets held in trust for all their policyholders, and beneficiaries, in the United States of not less than fifty million dollars, in lieu of the foregoing trust fund requirement.

2. The director may from time to time publish a list of those insurers deemed by him to be currently eligible surplus line insurers. Subject to the provisions of chapter 536, RSMo, nothing in this section shall require the director to place or maintain the name of any insurer on the list of eligible surplus line insurers, if he finds, after notice and opportunity for hearing, substantial evidence that to do so would be contrary to the best interests of the people of this state.

384.090. Policy, certificate or cover note to be issued, when—issuance of false evidence of insurance, penalty for—language required on evidence of insurance.—1. Upon placing a surplus line insurance coverage subject to this act, the surplus line broker shall promptly issue and deliver to the insured or the producing broker evidence of the insurance consisting either of the policy as issued by the surplus line insurer or, if the policy is not then available, the surplus line broker's certificate, cover note, or other evidence of insurance. The evidence of insurance shall be signed by the surplus broker and shall show the description and location of the subject of the insurance, coverage, conditions and term of the insurance, the premium and rate charged and taxes to be collected from the insured, and the name and address of the insured, and the identity of the surplus line insurers. If the direct risk is assumed by more than one surplus line insurer, the evidence of insurance shall state the name and proportion of the entire direct risk assumed by each such insurer.

2. No surplus line broker shall issue any evidence of surplus insurance or purport to insure or represent that the insurance will be or has been granted by any insurer unless he has prior written authority from the surplus line insurer for the insurance, or has received information directly or indirectly from the insurer in the regular course of business that the insurance has been granted, or an insurance policy providing the insurance actually has been issued by the insurer and delivered to the insured.

3. If after the issuance and delivery of any such evidence of insurance there is any change as to the identity of the insurers, or the proportion of the direct risk assumed by an insurer as stated in the surplus line broker's original evidence of insurance, or in any other material as to the insurance coverage so evidenced, the surplus line broker shall promptly issue and deliver to the insured or the producing broker a substitute evidence of insurance accurately showing the current status of the coverage.

4. If a policy issued by the insurer is not available upon placement of the insurance and the surplus line broker has issued and delivered his evidence of insurance as hereinabove provided, upon request therefor by the insured the surplus line broker shall as soon as reasonably possible procure from the insurer its policy evidencing the insurance and deliver the policy to the insured in replacement of the surplus line broker's evidence of insurance theretofore issued.

5. Any surplus line broker who knowingly and willfully issues a false certificate of insurance or knowingly and willfully fails to give prompt notice of material change in the insurance is guilty of a felony and, upon conviction, shall be punished by imprisonment by the division of corrections for not more than five years or by confinement in the county jail for not more than one year or by a fine of not more than ten thousand dollars or by both such fine and confinement.

6. Every evidence of insurance negotiated, placed or procured under the provisions of this act issued by the surplus line broker shall bear the name of the surplus line broker and the following legend: "This is evidence of insurance procured and delivered under the Missouri Surplus Line Law."

384.100. Surplus line insurer bound by broker's acts, when—insurer

deemed to have subjected itself to this section.—1. As to a risk which has been assumed by a surplus line insurer pursuant to this act and if the premium thereon charged by the surplus line insurer has been received by the surplus line broker who placed the insurance, in all questions thereafter arising under the coverage as between the surplus line insurer and the insured, the surplus line insurer shall be deemed to have received the premium due to it for the coverage; and the surplus line insurer shall be liable to the insured as to losses covered by the insurance, and for unearned premiums which may become payable to the insured upon cancellation of the insurance, whether or not in fact the surplus line broker is indebted to the surplus line insurer with respect to the insurance or for any other cause.

2. Each insurer assuming any direct risk under this act shall be deemed thereby to have subjected itself to the terms of this section.

384.110. Broker must keep copies of confirmation of insurance issued, information to be shown—records to be available to director.—1. Each surplus line broker shall keep in his office in this state a full and true record of each contract of insurance procured by him under this act, including a copy of the policy, certificate, cover note, or other confirmation of insurance, and of the daily report, if any, and showing such of the following items as may be applicable:

- (1) Amount of the insurance and risks insured against;
- (2) Gross premium charged;
- (3) Return premium paid, if any;
- (4) Effective date of the contract, and the terms thereof;
- (5) Name and address of the insurer;
- (6) Name and address of the insured;
- (7) Brief general description of risk insured and where located;
- (8) Amount of tax and other sums to be collected from the insured; and
- (9) Other information as may be reasonably requested by the director.

2. The record shall at all reasonable times be open to examination by the director, and shall be kept available and open to the director for five years next following the issuance of the contract.

384.120. Report to director required, contents of—net premiums defined.—Before March second of each year, each surplus lines broker shall report under oath to the director on forms prescribed by him a statement showing:

- (1) The gross amounts charged for surplus line insurance in respect of risks located within this state, exclusive of sums collected for the payment of federal, state or local taxes;
- (2) The amount of net premiums with respect to the insurance. For the purpose of this section, "net premiums" means the gross amount of charges for surplus line insurance in respect of risks located within this state, exclusive of sums collected for the payment of federal, state and local taxes, less returned premiums.

384.130. Surplus line broker's tax, rate, when due—tax may be collected from insured.—1. There is hereby imposed on surplus brokers for the privilege of doing the business of a surplus lines broker in this state a tax of five percent of the net premium received in respect of surplus line insurance on risks located in this state and subject to this act as shown on the annual report filed with the division pursuant to sections 384.120. For the purpose of this section, "Net premiums" means the gross amount of charges for surplus line insurance exclusive of sums collected for the payment of federal, state and local taxes, less returned premiums. The tax shall be paid before April sixteenth of each year. Nothing in this act shall exempt from the tax levied by this section any surplus line insurance covering risks in this state procured by a surplus line broker or other broker for or on behalf of an airline, railroad, or motor carrier. The portion of the risk in this state shall be in the proportion that the carrier's revenue miles in this state bears to its total revenue miles.

2. The surplus line broker may collect from the insured an amount equal to the tax provided for in this section.

384.140. Violations a felony, penalty.—Except as otherwise provided in this act, any person knowingly and willfully violating the provisions of this act is guilty of a felony, and upon conviction, shall be punished by imprisonment by the division of corrections for not more than three years or by confinement in the county jail for not more than one year or by a fine of not more than one thousand dollars or by both such fine and confinement. This penalty shall be in addition to penalties otherwise provided by law, including but not limited to that provided in subsection 8 of section 375.790, RSMo.

384.150. Surplus line policies, reports to director required on, when.—The surplus line broker shall submit a completed report on a form provided by the director covering each surplus line policy procured pursuant to this act to the division within twenty working days after the coverage becomes effective. If this filing cannot be completed within the time provided, the surplus line broker shall make a timely initial filing and shall promptly notify the division, advise the reason for the delay, and obtain an extension of time to complete the filing.

384.160. Insured to file report on surplus line insurance not obtained through a broker—report, contents of, when due—tax imposed—procedure to collect tax.—1. Every insured in this state who procures or causes to be procured or continues or renews insurance in any surplus line insurer, or any self-insurer in this state who so procures or continues with, any surplus line insurer, excess of loss, catastrophe or other insurance, upon a subject of insurance resident, located or to be performed within this state, other than insurance procured through a surplus line broker pursuant to sections 384.010 to 384.150 of this act, shall before March second of the year next succeeding the year in which the insurance was so procured, continued or renewed, file a written report of the same with the director on forms prescribed by the director and furnished to such an insured upon request. The report shall show:

- (1) The name and address of the insured or insureds;
- (2) The name and address of the insurer or insurers;
- (3) The subject of the insurance;
- (4) A general description of the coverage;
- (5) The amount of premium currently charged therefor;
- (6) Such additional pertinent information as may be reasonably requested by the director.

2. If any such insurance covers also a subject of insurance resident, located or to be performed outside this state, for the purposes of this section, a proper pro rata portion of the entire premium payable for all such insurance shall be allocated as to the subjects of insurance resident, located or to be performed in this state.

3. Any insurance in a surplus line insurer procured through negotiations or an application in whole or in part occurring or made within or from within this state, or for which premiums in whole or in part are remitted directly or indirectly from within this state, shall be deemed to be insurance procured or continued or renewed in this state within the intent of subsection 1 of this section.

4. For the general support of the government of this state there is levied upon the insured who procures insurance pursuant to subsections 1 and 3 of this section a tax at the rate of five percent of the net amount of the premium in respect of risks located in this state. Before April sixteenth of the year next succeeding the year in which the insurance was so procured, continued or renewed, the insured shall remit to the director the amount of the tax. The director before June first of each year shall certify and transmit to the director of revenue the sums so collected.

5. The tax shall be collectible from the insured by civil action brought by the director, and by the seizure, distraint and sale of any property of the insured situated in this state.

384.170. Delinquent tax, penalty on.—Any tax imposed by this act which is delinquent in payment shall be subject to a penalty of fifty percent of the tax. Any delinquent tax shall bear interest at the rate of one and one-half percent per month for each month delinquent. The penalties and interest shall be certified by the director to the director of revenue who shall proceed to collect same.

384.180. Required records to be kept for five years—procedure to compel production of records.—Any person in this state required to maintain records concerning activities subject to this act shall maintain the records for a period of not less than five years and during that time shall open the records to inspection and examination by the director and shall upon order of the director produce the records for inspection or examination. If such order of the director is not obeyed, the director may apply to the circuit court of Cole county for an order compelling the production, and if the order is disobeyed, the circuit court of Cole county shall cause an order for contempt to be issued to the person refusing the production and the person shall be held in contempt until the records are produced.

Approved July 27, 1977.

[S. B. 300]

BUSINESS AND FINANCIAL INSTITUTIONS: Cancellation, nonrenewal and refusal to write certain insurance policies.

AN ACT relating to cancellation, nonrenewal and refusal to write certain insurance policies.

SECTION

1. Definitions.
2. Grounds for cancellation.
3. Notice of cancellation, how given.
4. Refusal to renew, when authorized.
5. Proof of notice, how made.

SECTION

6. Immunity from liability granted, when, to whom.
7. Cancellation or refusal to issue policy on certain grounds prohibited, exceptions.
8. Certain insurers exempt.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Definitions.—As used in this act the following words and terms mean:

(1) "Insurer", all insurance companies, reciprocal, or interinsurance exchanges transacting the business of insurance in this state;

(2) "Nonpayment of premium", failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on the policy, or any installment of the premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit;

(3) "Nonrenewal", the determination of an insurer not to issue or deliver a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer or a certificate or notice extending the term of a policy beyond its policy period or term;

(4) "Policy", a contract of insurance providing fire and extended coverage insurance, whether separately or in combination with other coverages, on owner-occupied habitation property not exceeding two families. "Policy" does not include any insurance contracts issued under a property insurance inspection and placement program ("FAIR" plan) or an assigned risk plan, or any insurance contracts insuring property not used predominantly for habitation purposes, or an insurance contract insuring a mobile home;

(5) "Renewal" or "to renew", the issuance and delivery by an insurer of a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of

the policy beyond its policy period or term. Any policy with a policy period or term of less than six months shall for the purposes of this act be considered as if written for a policy period or term of six months. Any policy written for a term longer than one year or any policy with no fixed expiration date, shall for the purpose of this act, be considered as if written for successive policy periods or terms of one year, and the policy may be terminated at the expiration of any annual period upon giving thirty days notice of cancellation prior to the anniversary date, and the cancellation shall not be subject to any other provisions of this act.

Section 2. Grounds for cancellation.—1. A notice of cancellation of a policy shall be effective only if it is based on one or more of the following reasons:

- (1) Nonpayment of premium; or
- (2) Fraud or material misrepresentation affecting the policy or in the presentation of a claim thereunder, or violation of any of the terms or conditions of the policy; or
- (3) The named insured or any occupant of the property has been convicted of a crime arising out of acts increasing the hazard insured against; or
- (4) Physical changes in the property insured which increase the hazards originally insured.

2. This section shall not apply to any policy or coverage which has been in effect less than sixty days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy.

3. This section shall not apply to nonrenewal.

Section 3. Notice of cancellation, how given.—1. No notice of cancellation of a policy to which section 2 applies shall be effective unless mailed or delivered by the insurer to the named insured at least thirty days prior to the effective date of cancellation. However, where cancellation is for nonpayment of premium at least ten days' notice of cancellation shall be given. The notice shall state the insurer's actual reason for proposing the action, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits", "living conditions", or "poor morals" shall not suffice to meet the requirements of this subsection. The notice shall also state that the insured may be eligible for insurance through the Missouri basic property insurance inspection and placement program.

2. This section shall not apply to nonrenewal.

Section 4. Refusal to renew, when authorized.—1. No insurer shall refuse to renew a policy unless the insurer or its agent mails or delivers to the named insured, at the address shown in the policy, at least thirty days advance notice of its intention not to renew. The notice shall state the insurer's actual reason for proposing the action, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits", "living conditions", or "poor morals" shall not suffice to meet the requirements of this subsection. The notice shall also state that the insured may be eligible for insurance through the Missouri basic property insurance inspection and placement program. This section shall not apply:

- (1) If the insurer has manifested its willingness to renew; or
 - (2) In case of nonpayment of premium; or
 - (3) If the named insured has indicated he does not wish to have the policy renewed;
- or
- (4) If the insured fails to pay any advance premium required by the insurer for renewal.

2. Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of the renewal.

Section 5. Proof of notice, how made.—Proof of mailing notice of cancellation,

or of intention not to renew or of reasons for cancellation, to the named insured at the address shown in the policy, shall be sufficient proof of notice.

Section 6. Immunity from liability granted, when, to whom.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, the director of insurance or against any insurer, its authorized representative, its agents, its employees, or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation or nonrenewal, for any statement made by any of them in any written notice of cancellation or nonrenewal, or in any other communication, oral or written, specifying the reasons for cancellation or nonrenewal, or the providing of information pertaining thereto, or for statements made or evidence submitted at any hearings conducted in connection therewith.

Section 7. Cancellation or refusal to issue policy on certain grounds prohibited, exceptions.—No insurer shall cancel or refuse to write or refuse to renew a policy solely because of the age, place of residence, race, sex, color, creed, national origin, ancestry or lawful occupation, including the military service, of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has canceled or has refused to renew an existing policy in which that person was the named insured, nor shall any insurance company or its agent or representative require any applicant or policyholder to divulge in a written application or otherwise whether any insurer has canceled or refused to renew or issue to the applicant or policyholder a policy of insurance. The provisions of this Section do not apply to those instances where the hazard insured against under a policy is increased because of exposure to loss attributable solely to the place of residence or lawful occupation of anyone who is or seeks to be insured.

Section 8. Certain insurers exempt.—This Act does not apply to any insurer ordered by the Director to restrict its writings of business under the provisions of Section 375.535 RSMo.

Approved July 15, 1977.

[S. B. 368]

BUSINESS AND FINANCIAL INSTITUTIONS: Solvency requirements of insurers.

AN ACT to repeal sections 376.280, 379.010, 379.080, 379.085, 379.235 and 379.710, RSMo 1969, relating to solvency requirements of insurers and to enact in lieu thereof six new sections relating to the same subject with penalty provisions.

SECTION

1. Enacting clause.
- 376.280. Capital necessary to do business—how invested.
- 379.010. Number of incorporators required—kind of business permitted—amount of guarantee fund or policyholders' surplus required—issuance of jewelers block policy.

SECTION

- 379.080. Capital required of stock companies, how invested.
- 379.085. Agreements and securities of mutual companies.
- 379.235. License required—conditions to be complied with.
- 379.710. Guaranty fund—claim reserve fund.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 376.280, 379.010, 379.080, 379.085, 379.235, and 379.710, RSMo 1969, are repealed and six new sections are enacted in lieu thereof, to be known as sections 376.280, 379.010, 379.080, 379.085, 379.235 and 379.710, to read as follows:

376.280. Capital necessary to do business—how invested.—1. No joint stock or stock and mutual company formed under the provisions of sections 376.010 to

376.670, or the laws of this state, for any purpose mentioned in section 376.010, shall commence to do business or issue policies unless upon an actual capital of at least six hundred thousand dollars and a surplus of at least six hundred thousand dollars, nor shall any such company commence to do any business unless the full amount of capital stock and surplus named in its charter or articles of association has been paid in and invested in such securities and in accordance with all the provisions as is provided for in section 376.300, or as the same may be subsequently amended.

2. In order to continue writing new business, any stock company organized under the provisions of sections 376.010 to 376.670, or the laws of this state, for any purpose mentioned in section 376.010, shall maintain an actual capital and surplus in the amount required to commence business, except that their surplus may be reduced by an amount not to exceed fifty percent of the amount required to commence to do business.

3. Any other provision of this section notwithstanding, a joint stock or stock and mutual company licensed to do business in this state on the effective date of this section, may renew its license for business specified therein until December 31, 1979, by maintaining in lieu of the capital and surplus requirements an actual capital of at least three hundred thousand dollars.

4. No mutual company formed under the provisions of sections 376.010 to 376.670 or of the laws of this state shall commence or continue to do any business mentioned in section 376.010 until agreement, in writing, with such company shall have been entered into by not less than one hundred persons for assurance upon their own lives, or the lives of other persons for their benefit, nor until it shall have received premiums on the same in cash, to an aggregate amount of not less than one hundred thousand dollars and in addition shall have a surplus of six hundred thousand dollars; provided further, that nothing herein contained shall be so construed as to prohibit any such company from complying with the provisions of sections 362.180 to 362.195, RSMo.

5. Any other provision of this section notwithstanding, a mutual company licensed to do business in this state on the effective date of this section may renew its license for business specified therein until December 31, 1979, by maintaining in lieu of the surplus requirement paid in premiums in an aggregate amount of not less than three hundred thousand dollars.

6. Violation of any of the provisions of this section by any insurer is grounds for the revocation of its certificate of authority by the director.

379.010. Number of incorporators required—kind of business permitted—amount of guarantee fund or policyholders' surplus required—issuance of jewelers block policy.—1. Any number of persons, not less than thirteen in number, a majority of whom shall be citizens of this state, may associate and form an incorporation, association or company for the following purposes, to wit:

(1) To make insurance on houses, buildings, merchandise, furniture and all kinds of property, against loss or damage by fire, lightning, hail and windstorm and earthquake; to make all kinds of insurance on ships, steamboats and other vessels, and their freight, and cargoes, and also on goods, merchandise, produce and all other kinds of property in the course of transportation, whether by land or water, and to lend money on bottomry and respondentia;

(2) To insure horses, cattle and other livestock against loss or damage by accident, theft, disease or death, or any other unknown contingent event, which may legally be the subject of insurance;

(3) To make insurance upon the health of individuals, and against personal injury, disablement, or death, resulting from traveling or general accident by land or water, to insure the fidelity of persons holding places of public and private trust, and also to receive on deposit and insure the safekeeping of books, papers, moneys, stocks, bonds and all other kinds of personal property, and to do any and all other kinds of legitimate insurance business excepting that of life insurance and dealing in annuities, and

excepting also the kinds of insurance included in the first and second subdivisions or classes named in this subsection.

2. (1) No company shall be organized under more than one of the subdivisions hereof; provided, that any company organized to make insurance upon the health of individuals and against personal injury shall be authorized to make insurance upon the lives of individuals upon compliance with and subject to the conditions of sections 376.010 to 376.670, RSMo. relating to life and accident insurance; provided further, that any company licensed to transact the business provided for in subdivisions (1) and (3) of subsection 1 may also write insurance on jewels, jewelry and furs against all risks of loss or damage during transportation or otherwise, and may also write the insurance of jewelers and other persons engaged in the business or trade or manufacturing, buying, selling, or dealing in, cutting or setting of precious stones, jewels, jewelry, gold, silver and other precious metals, whether as principals, agents, brokers, factors, or otherwise, against any and all risks of loss, damage, injury, deterioration, loss of use or liability arising from or in connection with such business or trade: such insurance to be known and designated as "jewelers' block insurance" and made under a policy upon the face and outside cover of which shall be printed in boldface type the words "jewelers' block policy"; provided, however, that any stock company which has a fully paid capital of not less than eight hundred thousand dollars and a surplus of at least eight hundred thousand dollars or any mutual company that maintains a guaranty fund or policyholders' surplus of not less than one million six hundred thousand dollars may commence to make insurance on all three classes of insurance enumerated in this section by amending its charter to provide the powers or by including the powers in its charter if it be a new company; and provided further, that reciprocal or interinsurance exchanges complying with the financial requirements of sections 379.650 to 379.770 may also make insurance on all three classes enumerated in this section; and provided further, that any mutual company operating under the provisions of sections 379.205 to 379.310, maintaining a guaranty fund or policyholders' surplus of not less than one million six hundred thousand dollars, may also commence to make insurance on all three classes enumerated in this section, any provision of sections 379.205 to 379.310 notwithstanding; and provided further, that any company operating under sections 379.205 to 379.310 and electing to effect insurance against the risk of loss by fire shall, with respect to the fire insurance business, be subject to sections 379.015, 379.025 and 379.105 to 379.190, and with respect to fire insurance business, shall also be subject to all of the provisions of sections 379.315 to 379.415 which are applicable to mutual fire insurance companies; and provided further, that the director may issue a license to any insurer to do in this state the kind or kinds of insurance business for which the insurer is qualified under the provisions of this chapter and under its charter, and any mutual company formed under the provisions of this section which is licensed to transact the kinds of insurance business specified in the second or third classes or subdivisions of subsection 1 shall comply with the requirements of section 379.260.

(2) In order to continue writing new business in the classes of insurance enumerated in this section, a stock company shall maintain a capital and surplus equal to that required to commence writing that insurance, except that their surplus may be reduced by an amount not to exceed fifty percent of the amount required to commence writing that business; a mutual company shall maintain a surplus equal to that required to commence writing that insurance, except that their surplus may be reduced by an amount not to exceed twenty-five percent of the amount required to commence writing that business.

3. Violation of any of the provisions of this section by an insurer is grounds for the revocation of its certificate of authority by the director.

4. Notwithstanding any provision of this section, a stock company licensed to do business in this state under this section on the effective date of this section may renew its license for business specified therein until December 31, 1979, by maintaining an

aggregate amount of not less than six hundred thousand dollars as capital and surplus, if all other conditions have been met.

5. Notwithstanding any provision of this section, a mutual company licensed to do business in this state under this section on the effective date of this section may renew its license for business specified therein until December 31, 1979, by maintaining an aggregate amount of not less than six hundred thousand dollars as a guaranty fund or policyholder's surplus, if all other conditions have been met.

379.080. Capital required of stock companies, how invested.—1. No company formed on the joint stock plan for the purpose of doing any of the kinds or classes of business mentioned in subdivision (1), (2), or (3) of section 379.010, shall hereafter commence business with a capital of less than four hundred thousand dollars and a surplus of at least four hundred thousand dollars, except plate glass insurance companies and accident insurance companies, which may be permitted to do business with a capital of one hundred thousand dollars and a surplus of at least one hundred thousand dollars; and before any such company shall proceed to do business, the capital of that company shall be wholly paid in, and two hundred thousand dollars thereof, if a plate glass insurance or accident insurance company, and eight hundred thousand dollars thereof, if any other company mentioned in said section 379.010, be held in cash or invested in treasury notes or bonds of the United States, or in bonds of the state of Missouri, or in bonds issued by any school district of the state of Missouri, or in funded bonds of any county or municipal township of this state, or in bonds and mortgages or deeds of trust on improved unencumbered real estate in this or any other state worth at least double the amount loaned thereon, the valuation of the real estate so mortgaged to be determined by the director after a personal examination, or after an examination made by some competent disinterested person specially appointed by him for that purpose; such bonds shall not be received at a rate above their actual market value; and the remainder of the capital of these companies and their other assets may be invested either in the property or securities in this section above mentioned, or in loans safely secured by collateral worth, at its cash market value, not less than twenty percent in excess of the amount loaned thereon or in stocks, bonds or evidences of indebtedness issued by corporations organized under the laws of this state, or of the United States, or of any other state, or, so far as may be necessary to make deposits with the authorities of foreign countries to do business therein, the bonds of such foreign countries; provided that no such insurance company may buy stock in any company to an amount which will give the company so buying the virtual control of any other corporation, except that any corporation organized under or for the purpose of doing any of the kinds of business mentioned in one of the subdivisions of subsection 1 of section 379.010 may buy and hold any amount of stock in other corporations organized under or for the purpose of doing any of the kinds of business mentioned in any one of the subdivisions of subsection 1 of said section 379.010, but it may not purchase a majority of the shares in any other insurance corporation unless it has a capital of four hundred thousand dollars and a surplus of at least four hundred thousand dollars in addition to the capital required by this section for each such company, the controlling interest in which is purchased, and no such company shall invest more than thirty-five percent of the surplus to policyholders of such acquiring company, or fifty percent of its surplus over and above its liabilities and capital, whichever is greater, in the stocks or bonds of any other such corporation.

2. No company formed on the joint stock plan for doing either of the kinds or classes of business mentioned in section 379.010 shall continue to write new business unless its capital and surplus equal the amount required to commence business, except that their surplus may be reduced by an amount not to exceed fifty percent of the amount required to commence doing business.

3. Violation of any of the provisions of this section by an insurer is grounds for the revocation of its certificate of authority by the director.

4. Notwithstanding any provision of this section, a stock company licensed to do business in this state under this section on the effective date of this section may renew its license for business specified therein until December 31, 1979, by maintaining an aggregate of three hundred thousand dollars as capital and surplus, if all other conditions have been met.

379.085. Agreements and securities of mutual companies.—1. No company formed upon the mutual plan for the purpose of doing the fire and marine business designated in the first of the three classes of insurance named in section 379.010 shall commence or continue to do business until it has a surplus or guaranty fund of six hundred thousand dollars and agreements have been entered into for insurance with at least two hundred applicants, the premiums on which shall amount to not less than one hundred thousand dollars which shall have been paid in cash. Annual cash premiums shall not exceed five hundred dollars each, and no policy shall be issued for a longer term than five years.

2. Except that any mutual company formed upon the mutual plan for the purpose of doing the fire and marine business designated in the first of the three classes of insurance named in section 379.010 and licensed to do business in this state on the effective date of this section, may renew its license for business specified therein until December 31, 1979, if it annually maintains agreements with two hundred applicants, the premiums from which amount to not less than one hundred thousand dollars.

3. Violation of any of the provisions of this section by an insurer is grounds for the revocation of its certificate of authority by the director.

379.235. License required—conditions to be complied with.—1. No such company shall issue policies or transact any business of insurance unless it holds a license from the director authorizing the transaction of such business. A license shall not be issued unless the company complies with the following conditions:

(1) It shall hold bona fide applications for insurance upon which it shall issue simultaneously, or it shall have in force, at least twenty policies to at least twenty members for the same kind of insurance upon not less than two hundred separate risks each within the maximum single risk described herein.

(2) The maximum single risk shall not exceed five percent of the admitted assets or three times the average risk or one percent of the insurance in force, whichever is the greater, any reinsurance taking effect simultaneously with the policy being deducted in determining such maximum single risk.

(3) It has collected an annual premium upon each application, which premium shall be equal to not less than five times the maximum single risk assumed nor less than one hundred thousand dollars; provided, however, that the total assets of the company shall not be less than one hundred thousand dollars of paid in premiums and a guaranty fund or contributed surplus of not less than six hundred thousand dollars which shall be held in cash or securities in which these insurance companies are authorized to invest; and provided further, that any mutual company other than life and fire licensed to do business on the effective date of this section, which confines its writings to burglary and theft, and liability, property damage and collision other than automobile and workmen's compensation, shall maintain a guaranty funds or contributed surplus of not less than three hundred thousand dollars.

(4) For the purpose of transacting employer's liability and workmen's compensation insurance the applications shall cover not less than one thousand five hundred employees, each employee being considered a separate risk for determining the maximum single risk.

2. Any other provision of law notwithstanding any mutual company other than life and fire licensed to do business in this state on the effective date of this section may renew its license for business specified therein until December 31, 1979, if it maintains assets of not less than three hundred thousand dollars consisting of paid in premiums and a guaranty fund or contributed surplus which shall be held in cash or securities in

which these insurance companies are authorized to invest.

3. Violation of any of the provisions of this section by an insurer is grounds for the revocation of its certificate of authority by the director.

379.710. Guaranty fund—claim reserve fund.—1. In order to commence writing the business enumerated in subdivision (1) or (2) of subsection 1 of section 379.650, a reciprocal or interinsurance exchange shall have as a guaranty fund or surplus, in addition to other reserves required, a sum in cash or securities amounting to not less than eight hundred thousand dollars.

2. In order to commence writing the business enumerated in both subdivisions (1) and (2) of subsection 1 of section 379.650, a reciprocal or interinsurance exchange shall have as a guaranty fund or surplus, in addition to other reserves required, a sum in cash or securities amounting to not less than one million six hundred thousand dollars.

3. In order to continue writing new business, any reciprocal or interinsurance exchange writing the business specified in subsections 1 and 2 shall maintain a guaranty fund or surplus in the amount required to commence business; except that their guaranty or surplus fund may be reduced by an amount not to exceed twenty-five percent of the amount required to commence writing that business.

4. In addition to the foregoing requirements, in the case of employer's liability, public liability, workmen's compensation and automobile insurance, there shall be maintained as a claim or loss reserve in cash or securities, assets sufficient to discharge all liabilities on all outstanding losses arising under policies issued, the same to be calculated in accordance with the laws of the state relating to similar reserves for companies insuring similar risks.

5. Violation of any of the provisions of this section by a reciprocal or interinsurance exchange is grounds for the revocation of its certificate of authority by the director.

6. Notwithstanding any other provision of this section, any reciprocal or interinsurance exchange licensed in this state to write the business specified in either subdivision (1) or (2) of subsection 1 of section 379.650, RSMo, on the effective date of this section may renew its license for business specified therein until December 31, 1979, if it maintains as a guaranty fund or surplus, in addition to other sums required, a sum, in cash or securities, amounting to not less than three hundred thousand dollars.

7. Notwithstanding any other provision of this section, any reciprocal or interinsurance exchange licensed to do business in this state and to write the business specified in both subdivisions (1) and (2) of subsection 1 of section 379.650, RSMo, on the effective date of this section may renew its license for business specified therein until December 31, 1979, if it maintains as a guaranty fund or surplus, in addition to other sums required, a sum, in cash or securities, amounting to not less than six hundred thousand dollars.

Approved July 29, 1977.

[S. B. 322]

BUSINESS AND FINANCIAL INSTITUTIONS: Insurance policies to provide hospital treatment of alcoholism.

AN ACT relating to requiring nonprofit service plans and group accident and sickness policies to provide for the hospital treatment of alcoholism.

SECTION

1. Group health insurance policies to cover treatment for alcoholism.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Group health insurance policies to cover treatment for

alcoholism.—1. All group health insurance policies providing coverage on an expense incurred basis, all group service or indemnity contracts issued by a not-for-profit health service corporation, and all self-insured group health benefit plans, of any type or description, which provide coverage for hospital treatment shall provide coverage for hospital treatment of alcoholism. All contracts issued or renewed on or after the effective date of this act shall be subject to this act.

2. This section does not apply to contracts individually underwritten for a specific individual and members of his family.

Approved July 7, 1977.

[S. C. S. S. B. 245]

BUSINESS AND FINANCIAL INSTITUTIONS: Assessment plan, medical malpractice insurance and general liability insurance.

AN ACT to repeal section 383.010 RSMo Supp. 1976, relating to assessment plan, medical malpractice insurance, and to enact in lieu thereof one new section relating to assessment plan, medical malpractice insurance and in connection therewith assessment plan, general liability insurance.

SECTION

1. Enacting clause.

SECTION

383.010. Entity to provide assessment plan—malpractice and auto insurance may form, requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 383.010, RSMo Supp. 1976, is repealed and one new section enacted in lieu thereof, to be known as section 383.010, to read as follows:

383.010. Entity to provide assessment plan malpractice and auto insurance may form, requirements.—Notwithstanding any direct or implied prohibitions in chapters 375, 377, or 379, RSMo, any three or more persons, residents of this state, being licensed under the provisions of chapters 330, 331, 332, 334, 335, 336, or 338, RSMo, may, as provided in sections 383.010 to 383.040, form a business entity for the purpose of providing malpractice insurance or indemnification for any such person upon the assessment plan, and upon compliance with Section 379.260, liability and automobile insurance as defined in Sections 379.230 (1) and 379.230 (3), may be provided upon the assessment plan to those persons licensed pursuant to Chapter 197 and for whom medical malpractice insurance is provided under this section, provided however automobile insurance shall be provided only for ambulances as defined in Section 190.100. Hospitals, public or private, whether incorporated or not, as defined in chapter 197, RSMo, if licensed by the state of Missouri, may also become members of any such entity, and the term "persons" as used in sections 383.010 to 383.040 includes such hospitals.

Approved July 27, 1977.

[H. B. 610]

BUSINESS AND FINANCIAL INSTITUTIONS: Regulation of credit life insurance and credit accident and health insurance.

AN ACT to provide for the regulation of credit life insurance and credit accident and health insurance, with penalty provisions.

SECTION

1. Purpose clause.
2. Scope of law.
3. Definitions.
4. Credit life and accident insurance, form in which it shall be issued.
5. Amount of insurance permitted—payments, amount of limited.
6. Term of policy, prepayment of debt, effect of.
7. Policy or group certificate contents of, delivery required—policy or certificate not delivered, effect of.
8. Filings required to be made with director of insurance—disapproval by director, effect of.
9. Revision of premium schedules, procedure for—refunds paid, when—limit on charge for credit life.

SECTION

10. Who may issue credit life insurance.
11. Reporting and settlement of claims—who may adjust claims.
12. Debtor to be informed of his option to use existing policies of insurance as security—policy may be obtained from any licensed insurer.
13. Rates presumed reasonable, when, criteria to be met.
14. Regulatory powers of director.
15. Credit life, accident and health insurance must be placed directly in companies holding a certificate of authority to do business in this state.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Purpose clause.—The purpose of this act is to promote the public welfare by regulating credit life insurance and credit accident and health insurance. Nothing in this act is intended to prohibit or discourage reasonable competition. The provisions of this act shall be liberally construed.

Section 2. Scope of law.—All life insurance and all accident and health insurance written in connection with loans or other credit transactions shall be subject to the provisions of this act, except insurance for which no identifiable charge is made to the debtor and insurance written in connection with a loan or other credit transaction of more than ten years duration; nor shall insurance be subject to the provisions of this act if the issuance of the insurance is an isolated transaction on the part of the insurer not related to an agreement or a plan for insuring debtors of the creditor.

Section 3. Definitions.—1. As used in this act, unless the context requires otherwise, the following words and phrases mean:

(1) "Credit life insurance", insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction;

(2) "Credit accident and sickness insurance", insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy;

(3) "Creditor", the lender of money or vendor or lessor of goods, services, property, rights, or privileges for which payment is arranged through a credit transaction, or any successor to the right, title, or interest of any such lender, vendor, or lessor, and any affiliate, associate, or subsidiary of any of them, or any director, officer, or employee of any of them, or any other person in any way associated with any of them, including a holding company;

(4) "Debtor", a borrower of money or a purchaser or lessee of goods, services, property, rights, or privileges for which payment is arranged through a credit transaction;

(5) "Indebtedness", the total amount payable by a debtor to a creditor in connection with a loan or other credit transaction;

(6) "Director", director of the insurance division of Missouri;

(7) "Insurer", an insurance company authorized to write credit life or credit accident and sickness insurance, or both;

(8) "Identifiable charge", the amount a creditor charges a debtor or collects from him specifically for credit insurance in addition to any other stated charges, including interest or discount, permitted by law;

(9) "Joint life coverage", credit life insurance covering two or more lives, the

entire sum insured being payable upon the death of the first insured debtor to die while the insurance is in force;

(10) "Decreasing term life coverage", credit life insurance decreasing over the term of the coverage to correspond with the scheduled or actual amount of unpaid indebtedness, whichever is greater;

(11) "Level term life coverage", credit life insurance remaining level over the term of the coverage.

2. As used in this act, the following technical terms shall have the indicated meanings:

(1) "Claims", benefits payable on death or disability excluding loss adjustment expense, claims settlement costs, or other additions of any kind;

(2) "Claims incurred", claims actually paid during the reporting year plus the estimated reserves at the end of the year for reported claims in the process of settlement and for unreported claims, less the corresponding estimated reserves at the end of the preceding year. All reserves are to be determined in a consistent manner from year to year;

(3) "Premiums earned", the total gross premiums which become due the insurer, without reduction of any kind, except the premiums refunded or adjusted on account of termination of coverage, appropriately adjusted for changes in gross unearned premiums in force upon a pro rata basis or a "sum of the digits" basis, where applicable. Where premiums are payable monthly on the basis of outstanding insured balances, "premiums earned" means the total premiums paid the insurer during the reporting year plus premiums due the insurer but unpaid at the end of that year, less premiums due the insurer but unpaid at the end of the previous year. As defined under either system, premiums are without reduction of any kind except for those refunded or adjusted because of termination of coverage;

(4) "Credibility period", as of any point of time the period of at least one year, but not more than three years, immediately prior thereto.

Section 4. Credit life and accident insurance, form in which it shall be issued.—1. Credit life insurance and credit accident and sickness insurance shall be issued only in the following forms:

(1) Individual policies of life insurance issued to debtors on a term plan;

(2) Individual policies of accident and sickness insurance issued to debtors on a term plan or disability benefit provisions in individual policies of credit life insurance;

(3) Group policies of life insurance issued to creditors providing insurance upon the lives of debtors on the term plan;

(4) Group policies of accident and sickness insurance issued to creditors on a term plan insuring debtors or disability benefit provisions in group credit life insurance policies to provide such coverage.

Section 5. Amount of insurance permitted—payments, amount of limited.—

1. The initial amount of credit life insurance shall not exceed the total amount repayable under the contract of indebtedness and, where an indebtedness is repayable in substantially equal installments, the amount of insurance shall at no time exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater.

2. Notwithstanding the provisions of subsection 1 of this section, insurance on agricultural credit transaction commitments, not exceeding thirty-six months in duration, may be written up to the amount of the loan commitment on a nondecreasing or level term plan.

3. Notwithstanding any other provision of this section, insurance on educational credit transaction commitments may be written for the amount of the portion of the commitment that has not been advanced by the creditor.

4. The total amount of periodic indemnity payable by credit accident and sickness insurance in the event of disability, as defined in the policy, shall not exceed the aggregate of the periodic scheduled unpaid installments of the indebtedness, and the

amount of each periodic indemnity payment shall not exceed the original indebtedness divided by the number of periodic installments or divided by the number of months of its term in the case of an agricultural loan commitment insured under subsection 2.

Section 6. Term of policy, prepayment of debt, effect of.—The term of any credit life insurance or credit accident and sickness insurance, subject to acceptance by the insurer, shall commence on the date when the debtor becomes obligated to the creditor, except that, where a group policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to such indebtedness shall commence on the effective date of the policy. Where evidence of insurability is required and such evidence is furnished more than thirty days after the date when the debtor becomes obligated to the creditor, the term of the insurance may commence on the date on which the insurance company determines the evidence to be satisfactory, and in such event there shall be an appropriate refund or adjustment of any charge to the debtor for insurance. The term of such insurance shall not extend more than thirty days beyond the scheduled maturity date of the indebtedness except when extended without additional cost to the debtor. If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness. In all cases of loan termination prior to scheduled maturity, all credit life and credit accident and sickness insurance shall be terminated and a refund shall be paid or credited as provided in section 9.

Section 7. Policy or group certificate contents of, delivery required—policy or certificate not delivered, effect of.—1. All credit life insurance and credit accident and sickness insurance shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which individual policy or group certificate of insurance shall be delivered to the debtor.

2. Each individual policy or group certificate of credit life insurance, or credit accident and sickness insurance, or both, shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment by the debtor separately for credit life insurance and credit accident and sickness insurance, a description of the coverage including the amount and term thereof, and any exceptions, limitations and restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate.

3. The individual policy or group certificate of insurance shall be delivered to the insured debtor at the time the indebtedness is incurred except as hereinafter provided.

4. If the individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for the policy or a notice of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment by the debtor, if any, separately for credit life insurance and credit accident and sickness insurance, the amount, term and a brief description of the coverage provided, shall be delivered to the debtor at the time the indebtedness is incurred. The copy of the application for or notice of proposed insurance, shall also refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, unless the information required by this subsection is prominently set forth therein. Upon acceptance of the insurance by the insurer and within thirty days of the date upon which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. The application or notice of proposed insurance shall state that, upon acceptance by the insurer, the insurance shall become effective as provided in section 6.

Section 8. Filings required to be made with director of insurance—disapproval by director, effect of.—1. All policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, and riders delivered or issued for delivery in this state, and the schedules of premium rates pertaining thereto, shall be filed with the director prior to use.

2. The director shall within sixty days after the filing of the schedule of premium rates, policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, and riders, disapprove any form if the benefits provided therein are not reasonable in relation to the premium charge in accordance with the provisions of section 13, or if it contains provisions which are unjust, unfair, inequitable, misleading, deceptive, or encourage misrepresentation of the coverage, or are contrary to any provision of the insurance code or of any rule or regulation promulgated thereunder. Any rule or regulation issued pursuant to this act after the effective date of this act shall expire two years after promulgation thereof unless, prior to such date, both houses of the general assembly, by concurrent resolution approved by the governor, shall approve such rule or regulation. All authority to promulgate rules and regulations under this act shall terminate November 30, 1981. A premium rate or schedule of premium rates shall be deemed reasonable for all purposes under this act if the rate or schedule produces or reasonably may be expected to result in claims incurred of not less than fifty percent of earned premium. To assist his decision, the director may extend the stipulated time up to an additional sixty days.

3. If the director notifies the insurer that the form is disapproved, it is unlawful for the insurer to issue or use the form. In the notice, the director shall specify the reason for his disapproval and state that a hearing will be granted within twenty days after receipt of request in writing by the insurer. No such policy, certificate of insurance, notice of proposed insurance, nor any application, endorsement, or rider, shall be issued or used until the expiration of sixty days after it has been so filed, unless the director shall give his prior written approval thereto. The director may, at any time after a hearing held not less than twenty days after written notice to the insurer, withdraw his approval of any such form on any ground set forth in subsection 2 of this section. The written notice of the hearing shall state the reason for the proposed withdrawal. It is unlawful for the insurer to issue such forms or use them after the effective date of the withdrawal.

4. If a group policy of credit life insurance or credit accident and sickness insurance has been delivered in this state before the effective date of this act the insurer shall be required to file only the group certificate and notice of proposed insurance delivered or issued for delivery in this state as specified in subsections 2 and 4 of section 7. Such forms shall be approved by the director if they conform with the requirements specified in said subsections and if the schedules of premium rates applicable to the insurance evidenced by the certificate or notice are not in excess of the insurer's schedules of premium rates filed with the director; provided, however, the premium rate in effect on existing group policies may be continued until the first policy anniversary date following the date this act becomes effective. If a group policy has been or is delivered in another state insuring citizens of this state, the forms to be filed by the insurer with the director are the group certificates and notice of proposed insurance. He shall approve them only if:

(1) They provide the information that would be required if the group policy were delivered in this state;

(2) The applicable premium rates or charges do not exceed those approved by the director.

5. Any order or final determination of the director under the provisions of this section shall be subject to judicial review.

Section 9. Revision of premium schedules, procedure for—refunds paid, when—limit on charge for credit life.—1. Any insurer may revise its schedules of

premium rates from time to time and shall file the revised schedules with the director. No insurer shall issue any credit life insurance policy or credit accident and sickness insurance policy for which the premium rate exceeds that determined by the schedules of the insurer as then approved by the director.

2. Each individual policy or group certificate shall provide that in the event of termination of the insurance prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by the debtor for insurance shall be paid or credited promptly to the person entitled thereto; provided, however, that no refund of less than one dollar need be made. The formula to be used in computing the refund shall be the "sum of the digits" formula with respect to decreasing term credit life insurance and credit accident and sickness insurance, and the pro rata unearned gross premium with respect to level term credit life insurance.

3. If a creditor requires a debtor to make any payment for credit life insurance or credit accident and sickness insurance and an individual policy or group certificate of insurance is not issued, the creditor shall immediately give written notice to the debtor and shall promptly make an appropriate credit to the account.

4. The amount charged to a debtor for any credit life or credit accident and sickness insurance shall not exceed the premiums charged by the insurer, as computed at the time the charge to the debtor is determined.

5. Nothing in this act shall be construed to authorize any payments for insurance now prohibited under any statute, or rule thereunder, governing credit transactions.

Section 10. Who may issue credit life insurance.—All policies and certificates of credit life insurance and credit accident and sickness insurance shall be delivered or issued for delivery in this state only by an insurer authorized to do an insurance business herein and shall be issued only through holders of licenses issued by the director. No person shall solicit, negotiate, or procure debtors to become insured under individual or group or any other form of policy unless such person is licensed as an agent, agency or broker by the director.

Section 11. Reporting and settlement of claims—who may adjust claims.—

1. All claims shall be promptly reported to the insurer or its designated claims representative, and the insurer shall maintain adequate claim files. All claims shall be settled promptly and in accordance with the terms of the insurance contract.

2. All claims shall be paid either by draft drawn upon the insurer or by check of the insurer to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or upon direction of the claimant to one specified.

3. No plan or arrangement shall be used whereby any person, firm or corporation other than the insurer or its designated claims representative shall be authorized to settle or adjust claims. The creditor shall not be designated as claims representative for the insurer in adjusting claims.

Section 12. Debtor to be informed of his option to use existing policies of insurance as security—policy may be obtained from any licensed insurer.—When life insurance or accident and sickness insurance is required or requested as additional security for any indebtedness, the debtor shall be informed of the option of furnishing the required amount of insurance, or any portion thereof, through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact such insurance business with this state.

Section 13. Rates presumed reasonable, when, criteria to be met.—1. It shall be presumed in any review of rates filed with the director that the benefits are reasonable in relation to the premium charged if the premium rates do not exceed the following:

(1) Credit life insurance:

(a) The credit life insurance rates filed with the director shall be considered

reasonable by the director if the single premium rate for single life decreasing term credit life insurance does not exceed seventy-five cents per annum per one hundred dollars of initial outstanding amount of insured indebtedness, and the single premium rate for single level term credit life insurance does not exceed a single premium rate of one dollar and forty cents per annum per one hundred dollars of initial outstanding amount of insured indebtedness. If premiums or identifiable charges are paid monthly on outstanding balances, the monthly premiums shall be one dollar twenty cents per one thousand dollars of outstanding indebtedness;

(b) A single premium rate of one dollar and twenty-five cents per annum per one hundred dollars of initial outstanding amount of insured indebtedness for joint life (two lives) decreasing term credit life insurance or a premium payable monthly at the rate of one dollar and ninety-three cents per one thousand dollars of outstanding indebtedness insured on joint (two lives) level term credit life basis;

(c) A minimum premium of seventy-five cents shall be considered reasonable on any policy of credit life insurance. In the event any premium is unearned and to be returned to the insured, no returned premium calculated at less than one dollar need be refunded;

(d) The foregoing life insurance rates are presumed reasonable in relation to benefits only if the credit life insurance contract contains an incontestable clause which provides that an amount of insurance shall be contestable only for a period which shall not be in excess of two years and coverage is provided or offered to all debtors regardless of age, or to all debtors not older than the applicable age limit, which shall not be less than attained age sixty-five if the limit applies to the age when the insurance attaches, or not less than attained age sixty-six years if the limit applies to the age on the scheduled maturity date of the debt. Age limits, if used, must be clearly shown on the individual policies or group certificates.

(2) Credit accident and sickness insurance, per one hundred dollars of outstanding indebtedness:

(a)

No. of months	NONRETROACTIVE BENEFITS			RETROACTIVE BENEFITS		
In which indebtedness is repayable	7-day non-retro	14-day non-retro	30-day non-retro	7-day retro-active	14-day retro-active	30-day retro-active
1	\$.25	\$.12	\$.07	\$.42	\$.18	\$.14
6	1.50	.70	.40	2.50	1.10	.85
12	2.00	1.40	.80	3.00	2.20	1.70
18	2.50	1.80	1.20	3.50	2.60	2.10
24	3.00	2.20	1.60	4.00	3.00	2.50
36	4.00	3.00	2.40	5.00	3.80	3.30
48	5.00	3.50	2.90	6.00	4.30	3.80
60	6.00	3.90	3.30	7.00	4.70	4.20
72	7.00	4.30	3.70	8.00	5.10	4.60
84	8.00	4.70	4.10	9.00	5.50	5.00
96	9.00	5.10	4.50	10.00	5.90	5.40
108	10.00	5.50	4.90	11.00	6.30	5.80
120	11.00	5.90	5.30	12.00	6.70	6.20:

(b) Any rate not specified in this schedule shall be consistent with this schedule and shall be computed for the actual number of months in which the indebtedness is repayable. Premiums payable other than on a single premium basis or for benefits on a basis different than illustrated above shall be actuarially consistent with the above rates;

(c) No certificate fee, policy issue charge, or any charge other than the premium herein provided shall be made;

(d) The foregoing accident and sickness rates are presumed to produce reasonable benefits in relation to premiums only if all of the following exist:

a. Coverage is provided or offered to all debtors regardless of age or to all debtors not older than the applicable age limit, which shall not be less than the attained age sixty-five if the limit applies to the age when the insurance attaches, or not less than attained sixty-six if the limit applies to the age on the scheduled maturity date of the debt. Age limits, if used, must be clearly shown on the individual policies or group certificates;

b. Coverage does not contain any exclusions except disabilities resulting from intentional self-inflicted injury, pregnancy, foreign residence, flights in: nonscheduled aircraft and preexisting illness; disease or physical condition for which the debtor received or was professionally advised to obtain medical advice, consultations, or treatment during the six-month period preceding the effective date of the debtor's coverage and which caused covered disability commencing within six months following the effective date of coverage;

c. The credit insurance policy contains a definition of "disability" which provides coverage during the initial twelve months of disability even though the insured is able to perform an occupation other than the one he held at the time disability occurred. After the initial twelve-month period, coverage must be provided if the insured is unable to perform the duties of any occupation for which he is suited by education, training or experience, except this paragraph shall not apply to lump sum disability coverage.

(3) An insurer may receive approval of a different premium rate or schedule of premium rates to be used in connection with a particular policy form, or a class or classes of the debtors of a creditor, if the insurer demonstrates to the satisfaction of the director that the mortality or morbidity experience which may reasonably be anticipated will develop a loss ratio in excess of fifty percent of the applicable rate standards prescribed in subsection 1 of this section. This may be accomplished by use of either of two methods:

(a) Development of a life insurance rate based on the actual ages and amounts of insurance of those insured and based on the mortality and interest assumptions used for valuation, with evidence that the age distribution is representative of the composition of the group and can reasonably be expected to remain at the level so determined. If this method is used, the life insurance rate must be redetermined and refiled at the discretion of the director or at any time the policy provisions are changed in such manner as to affect the rate;

(b) When experience is available, the following method may be used:

Let P = Premiums earned (one to three years)
 D = Claims incurred (one to three years)
 r = premium rate to be determined
 s = standard premium for coverage

Then $r = s \frac{D}{P}$

$$\frac{.5}{.5} \times \frac{D}{P}$$

If this method is used, approval will not be given for a period longer than the credibility period utilized in the filing;

(c) The schedules in subsection 3 of this section may be revised by the director, based on the total Missouri credit insurance experience of all insurers not sooner than three years after the effective date hereof;

(d) If a company proposes to write any type of coverage other than those described herein, it may request a public hearing to determine, through credible statistics, the initial rate to be employed, except that no hearing will be required to establish the need for lump sum disability benefits;

(e) If, after study and hearing, the director determines that prescribed rates as provided in subdivisions (1) and (2) of subsection 1 of this section do not accomplish the purposes of this section, he may prescribe that all rates be calculated in conformity with the methods described in subdivision (3) of subsection 1 of this section.

2. No insurer shall pay any compensation to any creditor for the sale of any policy, certificate, or other contract of credit insurance which exceeds forty percent of the rates specified in this section or subsequently established by the director. This schedule of maximum authorized compensation shall apply regardless of any deviation in rates filed or approved by the director. "Compensation" as used herein includes but is not limited to:

(1) Commissions, retrospective rate credits, service fees, expense allowances or reimbursements, gifts, furnishing equipment, facilities, goods or services, or any other form of remuneration resulting directly from the sale of credit insurance;

(2) All commissions paid or allowed to any agent directly or indirectly connected with the creditor. Notwithstanding, an insurer may compensate independent general agents, not affiliated directly or indirectly with the creditor by paying commissions or compensation, but no such commissions or compensation shall exceed ten percent of the rates specified in this section in addition to the agents commission or compensation. Such independent general agent may not pass on any portion of such compensation to creditors or other agents or brokers;

(3) All compensation of any kind, direct or indirect, paid or allowed to the creditor;

(4) All benefits such as items of merchandise, travel, conventions, vacations, rewards, bonuses, trading stamps, script, or other rewards of any kind given, paid or allowed to the creditor as an inducement or payment for sales made or volume of sales obtained;

(5) Allowing the creditor to have the use of premiums collected by the creditor by leaving said funds on deposit with the creditor for undue periods of time at low or no interest rate. An insurance company may invest in certificates of deposit with financial institutions which are the purveyors of its credit insurance if the interest paid on such certificates of deposit is at least equal to that being paid by the financial institution on certificates of deposit to other investors on the open market, provided further that the total amount of such certificates of deposit shall not exceed the annual gross premium written. Premiums received by a creditor or an agent must be actually remitted to and received by the insurance company within forty-five days after the sale of the insurance.

(6) In no event shall compensation be deemed to include reinsurance premiums paid to, or underwriting profits generated by, an insurer or reinsurer whether or not such insurer or reinsurer is affiliated with the creditor or agent.

Section 14. Regulatory powers of director.—The director may, after notice and hearing, pursuant to section 374.045, RSMo, issue the rules and regulations that he deems necessary to effectuate the purposes of this act, or to eliminate devices or plans designed to avoid or render ineffective the provisions of this act. The director may require such information as is reasonably necessary for the enforcement of this act.

Section 15. Credit life, accident and health insurance must be placed directly in companies holding a certificate of authority to do business in this state.—Credit life and credit accident and health insurance may be written or issued in Missouri only when placed directly in insurance companies duly granted certificate of authority to do such business in this state.

Approved July 13, 1977.

[S. C. S. H. C. S. H. B. 42 and 157]

INCORPORATION AND REGULATION OF PUBLIC UTILITIES: Redefining and establishing the powers and duties of the public counsel.

AN ACT to repeal sections 386.070, 386.080, 386.150, 386.155, 386.170, 386.200, 386.330, 386.360, 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480,

386.500, 386.530 and 386.600, RSMo 1969, and section 386.540, RSMo Supp. 1975, for the purpose of conforming them to the "Omnibus State Reorganization Act of 1974" by redefining and establishing the powers and duties of the public counsel, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

SECTION

1. Enacting clause.
- 386.071. General counsel authorized, qualifications, duties.
- 386.150. Commissioner's compensation—other employees' compensation, how fixed—reimbursement of expenses, when.
- 386.155. Additional duty, compensation for.
- 386.170. Publications commission, duties, compensation.
- 386.200. Conflicts of interest by commissioner or employees of commission prohibited—penalty for violation—violation by utility, penalty—violation by officer of utility, penalty.
- 386.330. Investigatory powers of commission—complaints by public, how made—final order to be made, when.
- 386.360. Commission to instigate mandamus or injunctive actions, when—hearings when held—parties, when joined—form of final judgment.
- 386.390. Complaint, who may make—procedure to hear—service of process, how had—time and place of hearing, how fixed.
- 386.400. Utilities, corporations and persons may file complaint.

SECTION

- 386.410. Commission to adopt rules of procedure, technical rules of evidence not to apply—proceedings to be informal—docket fee, how used.
- 386.420. Persons entitled to be heard—commission to make report, when—depositions authorized—may enforce attendance at hearings—record of proceedings to be kept.
- 386.440. Subpoenas, how issued—witness fees, how paid—subpoena service costs, how paid—certified of public records to be furnished to commission.
- 386.450. Inspection of out of state records.
- 386.480. Information not to be divulged—exception—penalty.
- 386.500. Rehearing before commission.
- 386.530. Priority over other civil cases in court actions granted.
- 386.540. Appeals from circuit court—transcript and exhibits—precedence over other civil cases.
- 386.600. Actions to recover penalties or forfeitures.
- 386.700. Public counsel authorized—qualifications—compensation, how fixed.
- 386.710. Powers of public counsel.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 386.070, 386.080, 386.150, 386.155, 386.170, 386.200, 386.330, 386.360, 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480, 386.500, 386.530 and 386.600, RSMo 1969, and section 386.540, RSMo Supp. 1975 are repealed and twenty new sections enacted in lieu thereof, to be known as sections 386.071, 386.150, 386.155, 386.170, 386.200, 386.330, 386.360, 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480, 386.500, 386.530, 386.540, 386.600, 386.700, 386.710, to read as follows:

386.071. General counsel authorized, qualifications, duties.—The public service commission may appoint and fix the compensation of a general counsel to serve at the pleasure of the commission. He shall be an attorney at law and shall have resided in this state prior to this appointment. It shall be the duty of the general counsel for the commission to represent and appear for the commission in all actions and proceedings involving any question under this or any other law, or under or in reference to any act, order, decision or proceeding of the commission, and if directed to do so by the commission, to intervene, if possible, if any action or proceeding in which any such question is involved; to commence and prosecute in the name of the state all actions and proceedings, authorized by law and directed or authorized by the commission, and to expedite in every way possible, to final determination all such actions and proceedings; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and the members thereof, and generally to perform all duties and services as attorney and counsel to the commission which the commission may reasonably require of him.

386.150. Commissioner's compensation—other employees' compensation, how fixed—reimbursement of expenses, when.—The annual salary of each commissioner shall be fifty-five hundred dollars. The salary of the secretary to the commission and the salaries of all other commission employees shall be such as may from time to time be fixed by the commission. The commissioners and all employees of the commission shall have reimbursed to them all actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties while away from their regular offices in the performance of such duties.

386.155. Additional duty, compensation for.—In addition to all other compensation now provided by law, each of the commissioners shall receive as compensation for the additional duties in the regulation of sewer corporations imposed upon them in chapters 386 and 393, the sum of four thousand dollars per annum payable in equal monthly installments out of the public service commission fund.

386.170. Publications commission, duties, compensation.—The members of the public service commission are hereby made and constituted a publications commission to select and designate what findings, orders and decisions of the public service commission shall be published in a series of volumes designated "Reports of the Public Service Commission of the State of Missouri" and to supervise and cause to be prepared the syllabi for the findings, orders and decisions, and to select and designate such other works, papers or studies of the public service commission relating to the field of public utilities regulation that may be of interest to the public and to cause them to be published in pamphlet or book form.

386.200. Conflicts of interest by commissioner or employees of commission prohibited—penalty for violation—violation by utility, penalty—violation by officer of utility, penalty.—1. Every commissioner, the public counsel and every person employed or appointed to office, either by the commission or by the public counsel, is hereby forbidden and prohibited to solicit, suggest, request or recommend, directly or indirectly, to any public utility, corporation or person subject to the supervision of the commission, or to any officer, attorney, agent or employee thereof, the appointment of any person to any office, place, position or employment. And every such public utility, corporation and person, and every officer, attorney, agent and employee thereof, is hereby forbidden and prohibited to offer to any commissioner, the public counsel, or to any person employed by the commission or by the public counsel, any office, place, appointment or position, or to offer or give to any commissioner, to the public counsel, or to any person employed or appointed to office by the commission or by the public counsel, any free pass or transportation or any reduction in fare to which the public generally are not entitled or free carriage for property or any present, gift, entertainment or gratuity of any kind

2. If any commissioner, the public counsel, or any person employed or appointed to office by the commission or the public counsel, shall violate any provision of this section he shall be removed from the office held by him. Every commissioner, the public counsel, and every person employed or appointed to office by the commission, or by the public counsel, shall be and be deemed to be a public officer.

3. If any public utility violates any provision of this section, it shall be liable to the state of Missouri in a civil action in any court of competent jurisdiction for the assessment of a civil penalty not to exceed twenty thousand dollars. The penalty provided in this subsection shall be in addition to any other penalty provided for violation of the provisions of this chapter. The Attorney General shall bring the action authorized in this subsection. The action may be brought in any county where the defendant public utility's principal place of business is located or where the violation occurred, or where the public utility's registered agent is located. The penalty assessed under the provisions of this subsection shall be paid into the state treasury to the credit of general revenue.

4. Any officer, agent or employee of any public utility who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

386.330. Investigatory powers of commission—complaints by public, how made—final order to be made, when.—1. The commission may, of its own motion, investigate or make inquiry, in a manner to be determined by it, as to any act or thing done or omitted to be done by any common carrier, railroad corporation or street railroad corporation, or by any telegraph corporation or telephone corporation, subject to its supervision, and the commission shall make such inquiry in regard to any act or thing done or omitted to be done by any such public utility, person or corporation in violation of any provision of law or in violation of any order or decision of the commission.

2. Complaints may be made to the commission by the public counsel or any person or corporation aggrieved, by petition or complaint, in writing, setting forth any thing or act done or omitted to be done by any common carrier, railroad corporation or street railroad corporation, or by any telegraph corporation or telephone corporation, in violation, or claimed to be in violation, of any provision of law or of the terms and conditions of its franchise or charter or of any order or decision of the commission. Upon the presentation of such a complaint the commission shall cause a copy thereof to be forwarded to the public utility, person or corporation complained of, which may be accompanied by an order, directed to such public utility, person or corporation, requiring that the matters complained of be satisfied, or that the charges be answered in writing within a time to be specified by the commission. If the public utility, person or corporation complained of shall make reparation for any injury alleged and shall cease to commit, or to permit, the violation of law, franchise, order or decision charged in the complaint, and shall notify the commission of that fact before the time allowed for answer, the commission need take no further action on the charges. If, however, the charges contained in such petition be not thus satisfied, and it shall appear to the commission that there are reasonable grounds therefor, it shall investigate such charges in such manner and by such means as it shall deem proper, and take such action within its powers as the facts justify.

3. Whenever the commission shall investigate any matter complained of by the public counsel or by any person or corporation aggrieved by any act or omission of a common carrier, railroad corporation or street railroad corporation, or telegraph corporation or telephone corporation, under this section, it shall be its duty, within sixty days after final submission, to make and file an order either dismissing the petition or complaint or directing the public utility, person or corporation complained of to satisfy the cause of complaint in whole or to the extent which the commission may specify and require.

386.360. Commission to instigate mandamus or injunctive actions, when—hearings when held—parties, when joined—form of final judgment.—1. Whenever the commission shall be of the opinion that a public utility, person or corporation is failing or omitting or about to fail or omit to do anything required of it by law or by order or decision of the commission, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order or decision of the commission, it shall direct the general counsel to the commission to commence an action or proceeding in any circuit court of the state of Missouri in the name of the commission for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunctions. The commission's general counsel shall thereupon begin such action or proceeding by a petition to such court alleging the violation complained of and praying for appropriate relief by way of mandamus or injunction.

2. It shall thereupon be the duty of the court to specify the time, not exceeding thirty days after service of a copy of the petition, within which the public utility, person or corporation complained of, must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct without other or formal pleadings, and without respect to any technical requirement.

3. Such other persons or corporations as the court shall deem necessary or proper to join as parties in order to make its order, judgment or writs effective may be joined as parties upon application of the commission's general counsel.

4. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that a writ of mandamus or an injunction, or both, issue as prayed for in the petition or in such modified or other form as the court may determine will afford appropriate relief.

386.390. Complaint, who may make—procedure to hear—service of process, how had—time and place of hearing, how fixed.—1. Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, sewer, or telephone corporation, unless the same be signed by the public counsel or the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water, sewer or telephone service.

2. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided.

3. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the public utility, corporation or person complained of.

4. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom summons may be served in accordance with the provisions of the code of civil procedure of this state, and may be made personally or by mailing in a sealed envelope with postage prepaid.

5. The commission shall fix the time when and the place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that the public necessity requires that such hearing be held at an earlier date.

386.400. Utilities, corporations and persons may file complaint.—Any corporation, person or public utility shall have the right to complain on any of the grounds upon which complaints are allowed to be filed by other parties, and the same procedure shall be adopted and followed as in other cases, except that the complaint may be served upon any parties designated by the commission.

386.410. Commission to adopt rules of procedure, technical rules of evidence

not to apply—proceedings to be informal—docket fee, how used.—1. All hearings before the commission or a commissioner shall be governed by rules to be adopted and prescribed by the commission. And in all investigations, inquiries or hearings the commission or commissioner shall not be bound by the technical rules of evidence.

2. No formality in any proceeding nor in the manner of taking testimony before the commission or any commissioner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided, the commission is hereby only empowered to charge a docket fee of five dollars to be paid upon the filing of any petition or application for a certificate of convenience and necessity, interstate permit or contract hauler's permit, also the filing of any petition or application for amended or supplemental authority of any certificate of convenience and necessity, interstate permit or contract hauler's permit. All such docket fees shall be paid to the state director of revenue of the state of Missouri at the time of the filing of any such petition or application for a certificate of convenience and necessity, interstate permit or contract hauler's permit, also the filing of any petition or application for amended or supplemental authority of any certificate of convenience and necessity, interstate permit or contract hauler's permit, and the same shall be deposited with the state director of revenue for the benefit of the general revenue fund of the state of Missouri.

386.420. Persons entitled to be heard—commission to make report, when—depositions authorized—may enforce attendance at hearings—record of proceedings to be kept.—1. At the time fixed for any hearing before the commission or a commissioner, or the time to which the same may have been continued, the complainant, the public counsel and the corporation, person or public utility complained of, and such corporations and persons as the commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The commission shall issue process to enforce the attendance of all necessary witnesses.

2. Whenever an investigation shall be made by the commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the commission, together with its decision, order or requirement in the premises. The commission or any commissioner or any party may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the circuit courts of this state and to that end may compel the attendance of witnesses and the production of books, waybills, documents, papers, memoranda and accounts. Witnesses whose depositions are taken as provided in this section and the magistrate or other officer taking the same shall severally be entitled to the same fees as are paid for like services in the circuit courts of this state.

3. If an order cannot, in the judgment of the commission, be complied with within thirty days, the commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order.

4. A full and complete record shall be made of all proceedings before the commission or any commissioner on any formal hearing had, and all testimony shall be taken down by a reporter appointed by the commission, and the parties shall be entitled to be heard in person or by attorney. In case of an action to review any order or decision of the commission, a transcript of such testimony, together with all exhibits or copies thereof introduced and all information secured by the commission on its own initiative and considered by it in rendering its order or decision, and of the pleadings, record and proceedings in the cause, shall constitute the record of the commission; provided, that on review of an order or decision of the commission, the petitioner and the commission may stipulate that a certain question or questions alone and a specified portion only of the evidence shall be certified to the circuit court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on review.

386.440. Subpoenas, how issued—witness fees, how paid—subpoena service costs, how paid—certified copies of public records to be furnished to commission.—1. All subpoenas shall be signed and issued by a commissioner or by the secretary of the commission, and shall extend to all parts of the state, and may be served by any person authorized to serve process of courts of record or by any person of full age designated for that purpose by the commission or by a commissioner. The person executing any such process shall receive the fees now prescribed by law for similar services in civil cases in the circuit courts in this state, and shall be paid in the same manner as provided herein for the payment of the fees of the witnesses. Each witness who shall appear before the commission or a commissioner by its or his order, shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the circuit courts of this state, which shall be audited and paid by the state in the same manner as other expenses of the commission are audited and paid, upon the presentation of proper vouchers sworn to by such witnesses and approved by the commission.

2. Whenever a subpoena is issued at the instance of a complainant, respondent, or other party, except the public counsel to any proceeding before the commission, the cost of service thereof and the fee of the witness shall be borne by the party at whose instance the witness is summoned. Any witness subpoenaed except one whose fees and mileage may be paid from the funds of the commission may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission or commissioner, as directed in the subpoena. No witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation.

3. It shall be the duty of every public officer, without exacting or receiving charge or fee of any kind, to furnish to the commission, or the public counsel, upon application, a certified copy of any document or part thereof, on file in his office, and no public officer shall be entitled to receive from the commission or the public counsel any fee for entering, filing, docketing or recording any document required or authorized by law to be filed in his office.

4. Each witness who appears under subpoena before the commission or a commissioner at the instance of the public counsel shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the circuit courts of this state, which shall be audited and paid by the state in the same manner as other expenses of the public counsel are audited and paid, upon the presentation of proper vouchers sworn to by such witnesses and approved by the public counsel.

386.450. Inspection of out of state records.—At the request of the public counsel and upon good cause shown by him the commission shall require or on its own initiative the commission may require, by order served upon any corporation, person or public utility in the manner provided herein for the service of orders, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said corporation, person or public utility in any office or place within or without this state, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the public counsel when the order is issued at his request or by the commission or under its direction.

386.480. Information not to be divulged—exception—penalty.—No information furnished to the commission by a corporation, person or public utility, except such matters as are specifically required to be open to public inspection by the provisions of this chapter, or Chapter 610, RSMo, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. The public counsel shall have full and complete access to public service commission files and records. Any officer or employee of the

commission or the public counsel or any employee of the public counsel who, in violation of the provisions of this section, divulges any such information shall be guilty of a misdemeanor.

386.500. Rehearing before commission.—1. After an order or decision has been made by the commission, the public counsel or any corporation or person or public utility interested therein shall have the right to apply for a rehearing in respect to any matter determined therein, and the commission shall grant and hold such rehearing, if in its judgment sufficient reason therefor be made to appear; if a rehearing shall be granted the same shall be determined by the commission within thirty days after the same shall be finally submitted.

2. No cause or action arising out of any order or decision of the commission shall accrue in any court to any corporation or the public counsel or person or public utility unless that party shall have made before the effective date of such order or decision, application to the commission for a rehearing. Such application shall set forth specifically the ground or grounds on which the applicant considers said order or decision to be unlawful, unjust or unreasonable. The applicant shall not in any court urge or rely on any ground not so set forth in its application for rehearing.

3. An application for a rehearing shall not excuse any corporation or person or public utility from complying with or obeying any order or decision or any requirement of an order or decision of the commission, or operate in any manner to stay or postpone the enforcement thereof except as the commission may by order direct.

4. If, after a rehearing and a consideration of the facts, including those arising since the making of the order or decision, the commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change or modify the same. An order made after any such rehearing, abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision.

386.530. Priority over other civil cases in court actions granted.—All actions or proceedings under this or any other chapter, and all actions and proceedings commenced or prosecuted by order of the commission, and all actions and proceedings to which the commission, the public counsel or the state may be parties, and in which any question arises under this or any other chapter, or under or concerning any order or decision or action of the commission, shall be preferred over all other civil causes except election contests in all the circuit courts of the state of Missouri, and shall be heard and determined in preference to all other civil business pending therein except election contests, irrespective of position on the calendar. The same preference shall be granted upon application of the public counsel or the commission counsel in any action or proceeding in which either or both may be allowed to intervene.

386.540. Appeals from circuit court—transcript and exhibits—precedence over other civil cases.—1. The commission and any party, including the public counsel, who has participated in the commission proceeding which produced the order or decision may after the entry of judgment in the circuit court in any action in review, prosecute an appeal to a court having appellate jurisdiction in this state. Such appeal shall be prosecuted as appeals from judgment of the circuit court in civil cases except as otherwise provided in this chapter. The original transcript of the record and testimony and exhibits, certified to by the commission and filed in the circuit court in any action to review an order or decision of the commission, together with a transcript of the proceedings in the circuit court, shall constitute the record on appeal to the supreme court or any court of appeals.

2. Where an appeal is taken to the supreme court or the court of appeals, the cause shall, on the return of the papers to the supreme court or court of appeals, be immediately placed on the docket of the then pending term by the clerk of the court and

shall be assigned and brought to a hearing in the same manner as other causes on the then pending term docket, but shall have precedence over all civil causes of a different nature pending in the court. No appeal shall be effective when taken by a corporation, person or public utility unless a cost bond of appeal in the sum of five hundred dollars shall be filed within ten days after the entry of judgment in the circuit court appealed from.

3. The circuit court may in its discretion suspend its judgment pending the hearing in the supreme court or court of appeals on appeal, upon the filing of a bond by the corporation, person or public utility with good and sufficient security conditioned as provided for bonds upon actions for review and by further complying with all terms and conditions of this law for the suspension of any order or decision of the commission pending the hearing or review in the circuit court. This bond shall be in addition to the cost bond heretofore provided in this section.

4. The general laws relating to appeals to the supreme court and the court of appeals in this state shall, so far as applicable and not in conflict with the provisions of this chapter, apply to appeals taken under the provisions of this chapter.

386.600. Actions to recover penalties or forfeitures.—An action to recover a penalty or a forfeiture under this chapter or to enforce the powers of the commission under this or any other law may be brought in any circuit court in this state in the name of the state of Missouri and shall be commenced and prosecuted to final judgment by the general counsel to the commission. No filing or docket fee shall be required of the general counsel. In any such action all penalties and forfeitures incurred up to the time of commencing the same may be sued for and recovered therein, and the commencement of an action to recover a penalty or forfeiture shall not be, or be held to be, a waiver of the right to recover any other penalty or forfeiture; if the defendant in such action shall prove that during any portion of the time for which it is sought to recover penalties or forfeitures for a violation of an order or decision of the commission, the defendant was actually and in good faith prosecuting a suit to review such order or decision in the manner as provided in this chapter, the court shall remit the penalties or forfeitures incurred during the pendency of such proceeding. All moneys recovered as a penalty or forfeiture shall be paid to the public school fund of the state. Any such action may be compromised or discontinued on application of the commission upon such terms as the court shall approve and order.

386.700. Public counsel authorized—qualifications—compensation, how fixed.—The director of the department of consumer affairs, regulation and licensing shall appoint a public counsel to serve at the pleasure of the director of the department. The public counsel shall be an attorney at law licensed to practice law in this state, and whose salary shall be fixed by the department director within the appropriation made therefor.

386.710. Powers of public counsel.—The public counsel shall have the following powers and duties:

(1) He shall employ a staff or hire on a contract basis such employees and experts as are necessary to carry out the purposes and responsibilities of his office, and shall set their compensation within the appropriation made for that purpose;

(2) He may represent and protect the interests of the public in any proceeding before or appeal from the public service commission;

(3) He shall have discretion to represent or refrain from representing the public in any proceeding. He shall consider in exercising his discretion the importance and the extent of the public interest involved and whether that interest would be adequately represented without the action of his office. If the public counsel determines that there are conflicting public interests involved in a particular matter, he may choose to represent one such interest based upon the considerations of this section, to represent no interest in that matter, or to represent one interest and certify to the director of the department of consumer affairs, regulation, and licensing that there is significant

public interest which he cannot represent without creating a conflict of interest and which will not be protected by any party to the proceeding. The director of the department shall select an attorney, to be paid from funds appropriated for this purpose, to represent that segment of the public certified to him by the public counsel as unrepresented. Nothing in this section shall be construed to limit the right of any person, firm or corporation specified in subsection 1, section 386.390 to petition or make complaint to the commission or otherwise intervene in proceedings or other matters before the commission;

(4) The public counsel shall be served with all proposed tariffs, initial pleadings, and applications, in all proceedings before the public service commission, and shall be served with a copy of all orders of the commission;

(5) Nothing in this act shall be construed or interpreted to mean that the public counsel shall not have the right to appeal any and all orders of the public service commission to the courts which right of appeal exists and has existed since the time of transfer as provided in section 386.500.

(6) He shall have all powers necessary or proper to carry out the duties specified in this section.

Approved July 7, 1977.

[S. B. 136]

INCORPORATION AND REGULATION OF PUBLIC UTILITIES: Powers and duties of the Public Service Commission.

AN ACT to repeal section 386.250, RSMo 1969, relating to the powers and duties of the public service commission, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

386.250. Jurisdiction of commission—rule-making power expires November 30, 1981.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 386.250, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 386.250, to read as follows:

386.250. Jurisdiction of commission—rulemaking power expires November 30, 1981.—The jurisdiction, supervision, powers and duties of the public service commission herein created and established shall extend under this chapter

(1) To all railroads within this state, and to all transportation of persons or property thereon, and to the person or corporation owning, leasing, operating or controlling the same;

(2) To all street railroads within this state, and to all transportation of persons or property thereon, and to the person or corporation owning, leasing, operating or controlling the said street railroad;

(3) To such portion of the lines of any other railroad and street railroad as lie within this state, and to the person or corporation owning, leasing, operating or controlling the same, so far as concerns the construction, maintenance, equipment, terminal facilities and local transportation facilities and local transportation of persons or property within this state;

(4) To all common carriers operating or doing business within this state;

(5) To the manufacture, sale or distribution of gas, natural and artificial, and electricity for light, heat and power, within the state, and to persons or corporations owning, leasing, operating or controlling the same; and to gas and electric plants, and to persons or corporations owning, leasing, operating or controlling the same;

(6) To all telephone lines, as above defined, and all telegraph lines, as above defined, and to every telephone company, and to every telegraph company, so far as said telephone and telegraph lines are and lie, and so far as said telephone companies and said telegraph companies conduct and operate such line or lines, respectively, within this state;

(7) To all water corporations, and to the land, property, dams, water supplies, or power stations thereof and the operation of same within this state; provided, that nothing contained in this section shall be construed as conferring jurisdiction upon the public service commission over the service or rates of any municipally owned water plant or system in any city of this state except where such service or rates are for water to be furnished or used beyond the corporate limits of such municipality;

(8) To all persons, corporations or partnerships engaged in the transportation of property or freight, as above defined, within this state;

(9) To all sewer systems and their operations within this state and to persons or corporations owning, leasing, operating or controlling the same;

(10) To all public utility corporations and persons whatsoever subject to the provisions of this chapter as herein defined;

(11) To the adoption of rules as are supported by evidence as to reasonableness and which prescribe the conditions of rendering public utility service, disconnecting or refusing to reconnect public utility service and billing for public utility service. All such proposed rules shall be filed with the secretary of state and published in the Missouri register as provided in chapter 536, RSMo, and a hearing shall be held at which affected parties may present evidence as to the reasonableness of any proposed rule; and

The rule-making authority of this section shall terminate November 30, 1981; and

(12) To such other and further extent, and to all such other and additional matters and things, and in such further respects as may herein appear, either expressly or impliedly.

Approved July 18, 1977.

[S. B. 230]

INCORPORATION AND REGULATION OF PUBLIC UTILITIES: Election of directors and annual meeting of directors of railroad companies.

AN ACT to repeal Sections 388.080 and 388.090, RSMo 1969, relating to the election of directors, and the annual meeting of directors of railroad companies.

SECTION

1. Repealing clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Repealing clause.—Sections 388.080 and 388.090, RSMo 1969, are repealed.

Approved June 8, 1977.

[H. B. 75]

INCORPORATION AND REGULATION OF PUBLIC UTILITIES: Railroads.

AN ACT relating to railroads, with penalty provisions.

SECTION

**1. Railroad car loading requirements
—exception—Public Service
Commission to enforce.**

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Railroad car loading requirements—exception—Public Service Commission to enforce.—1. It shall be unlawful for any person, firm, company or corporation operating a railroad as a common carrier in this state, while transporting freight for compensation or hire, to place immediately ahead of an occupied caboose or immediately behind an occupied locomotive, a flat car on which are placed loads that might shift or move or bulkhead type flat car that is loaded above the top edge of the car or beyond the sides, or a gondola type car loaded above the edge, with pipe, lumber or poles, or with freight or machinery which might shift or move and which the public service commission finds, after hearing, to be an unreasonable risk to the safety and well-being of the employees.

2. This section shall not apply to yard switching movements.

3. The public service commission of the state of Missouri shall enforce this section and prosecute any violation thereof, as provided for in section 386.570, RSMo.

Approved June 8, 1977.

(S. B. 180)

TRADE AND COMMERCE: Motor vehicle odometer disclosures.

AN ACT to repeal sections 407.535, 407.540 and 407.555, RSMo Supp. 1975, relating to motor vehicle odometer disclosures, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SECTION

1. Enacting clause.
407.536. Odometer mileage to be shown on title, when—previously untitled vehicles, procedure for—incorrect mileage on odometer, procedure for.

SECTION

407.555. Manufacturers or dealers, violations by, penalties for, license revocation of.
407.541. Conspiracy to violate 407.510 to 407.555, penalty for—second offense, penalty for.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 407.535, 407.540 and 407.555, RSMo Supp. 1975, are repealed and three new sections enacted in lieu thereof, to be known as sections 407.536, 407.541 and 407.555, to read as follows:

407.536. Odometer mileage to be shown on title, when—previously untitled vehicles, procedure for—incorrect mileage on odometer, procedure for.—1. Any person transferring ownership of a motor vehicle previously titled in this or any other state shall do so by assignment of title and shall place the mileage registered on the odometer at the time of transfer above the signature of the transferor. The notarized signature of the transferor below the mileage shall constitute an affidavit of mileage. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, an affidavit from the transferor shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That affidavit shall become a part of the permanent record of the motor vehicle with the Missouri department of revenue. The department of revenue shall place on all new titles issued after the effective date of this act a box titled "Mileage at the time of transfer".

2. Any person transferring the ownership of a motor vehicle previously untitled in this or any other state to another person shall give an affidavit of mileage disclosure to the transferee. The affidavit shall include above the notarized signature of the transferor the cumulative mileage registered on the odometer at the time of transfer. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, an affidavit from the transferor

shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That affidavit shall become a permanent part of the records of the Missouri department of revenue.

3. The mileage disclosed by affidavit for a new or used motor vehicle as described in subsections 1 and 2 of this section shall be placed by the transferee or his assignee on the face of any title or document evidencing ownership. Where the transferor has submitted an explanation why this mileage is incorrect, an asterisk shall follow the mileage on the face of the title or document of ownership issued by the Missouri department of revenue. The asterisk shall reference to a statement on the face and at the bottom of the title document which shall read as follows: "This is not the true and accurate mileage of this motor vehicle. Consult the documents on file with the Missouri department of revenue for an explanation of the inaccuracy".

407.555. Manufacturers or dealers, violations by, penalties for, license revocation of.—1. Any person violating any of the provisions of sections 407.510 to 407.555 is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law.

2. Violation of the provisions of sections 407.510 to 407.555 by any persons licensed or registered as a manufacturer or dealer pursuant to the provisions of chapter 301, RSMo, is a violation of the provisions of that chapter subjecting that person to cancellation of his license pursuant to the provisions of section 301.250, RSMo.

407.541. Conspiracy to violate 407.510 to 407.555, penalty for—second offense, penalty for.—1. Any person who conspires or acts in concert with others to violate any of the provisions of sections 407.510 to 407.555 is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law.

2. Any person who conspires or acts in concert with others to violate any of the provisions of sections 407.510 to 407.555 and is convicted for the second time of such offense is guilty of a felony and should be punished by up to five years imprisonment or a fine not in excess of fifty thousand dollars or both.

Approved June 8, 1977.

[S. B. 317]

TRADE AND COMMERCE: Small loans.

AN ACT to repeal Section 408.200 RSMo Supp. 1975, relating to small loans, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

408.200. Borrower indebted on two or more contracts with same lender—interest, how computed—"open end credit", "closed end credit" and "credit card" defined—exceptions on computing interest.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 408.200, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as Section 408.200, to read as follows:

408.200. Borrower indebted on two or more contracts with same lender—interest, how computed—"open end credit", "closed end credit" and "credit card" defined—exceptions on computing interest.—1. Except as provided in subsections 2 and 3, no lender shall permit any borrower to be indebted to such lender on two or more contracts at any time for the purpose or with the result of contracting for or receiving the interest permitted by Section 408.100 on more than five hundred dollars of

principal (excluding interest). It shall be lawful for a lender to lend at the same or different times to the same borrower five hundred dollars or less under and at the rates permitted by Section 408.100 and additional amounts at not more than ten per cent per annum even though such additional amounts bring the aggregate amount outstanding to an amount in excess of five hundred dollars and whether such loan or loans be evidenced by one or more than one note or loan contract. When such aggregate principal amount outstanding exceeds five hundred dollars and is evidenced by one note or loan contract, it shall be treated as one loan and interest may be computed at the rates permitted under Section 408.100 on that part of the unpaid principal balance of the total indebtedness not exceeding five hundred dollars and at no more than ten per cent per annum on any remainder of such unpaid principal balance and the provisions of Sections 408.120, 408.130 and 408.160 to 408.180 shall apply to the full amount of the note or loan contract.

2. As used in subsection 3,

(1) "Open end credit" shall mean loans defined as such in the federal Consumer Credit Protection Act and regulations thereunder.

(2) "Closed end credit" shall mean loans other than open end credit.

(3) "Credit card" shall mean a credit device defined as such in the federal Consumer Credit Protection Act and regulations thereunder, except that as used in subsection 3 the term shall be limited to credit cards which permit the holder to purchase goods and services upon presentation to third parties, whether or not the credit card also permits the holder to obtain loans of any other type.

3. Notwithstanding subsection 1, each note or loan contract of the following types shall be considered separately for purposes of computing the interest allowed on loans made under such contract and it shall be lawful to charge the rates permitted by subsection 1 and Section 408.100 on each such contract without regard to any other loan to the same borrower:

(1) Closed end credit contracts evidencing loans in the principal amount of \$2,500 or more for the purchase of goods or services pursuant to a single contract of purchase in an amount equal to or exceeding the amount of the loan;

(2) Open end credit contracts other than contracts under which a credit card has been issued, provided that if a lender has more than one such contract with any borrower all such contracts shall be considered together (but without regard to contracts of any other type) for purposes of computing the interest allowed on loans made thereunder.

(3) Open end credit contracts under which a credit card has been issued.

4. Subsection 3 shall not apply to any transaction in which a single extension of credit is allocated to two or more of the categories therein described for the purpose or with the result of contracting for or receiving a higher rate of interest than would have been permitted if the loan had been made under Subsection 1.

Approved August 11, 1977.

[S. B. 105]

TRADE AND COMMERCE: Missouri Uniform Securities Act.

AN ACT to repeal sections 409.201, 409.202, 409.305, 409.306, 409.401, and 409.402, RSMo 1969, relating to the Missouri uniform securities act, and to enact in lieu thereof seven new sections relating to the new subject.

SECTION

1. Enacting clause.
- 409.201. Registration requirements.
- 409.202. Registration procedure.
- 409.305. Provisions applicable to registration generally.
- 409.306. Denial, suspension and revocation of registration.

SECTION

- 409.401. Definitions.
- 409.402. Exemptions.
- 409.419. Rules to expire, when—revived, how—rulemaking authority under sections 409.201, 409.202, 409.305, 409.306, 409.401, and 409.402 expires November 30, 1981.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 409.201, 409.202, 409.305, 409.306, 409.401, and 409.402, RSMo 1969, are repealed and six new sections enacted in lieu thereof, to be known as sections 409.201, 409.202, 409.305, 409.306, 409.401, and 409.402, to read as follows:

409.201. Registration requirements.—(a) It is unlawful for any person to transact business in this state as a broker-dealer unless he is registered as a broker-dealer under this act; it is unlawful for any person to transact business in this state as an agent unless he is registered as an agent under this act.

(b) It is unlawful for any broker-dealer or issuer to employ an agent unless the agent is registered under this act. The registration of an agent is not effective during any period when he is not associated with a particular broker-dealer registered under this act, or a particular issuer. When an agent begins or terminates a connection with a broker-dealer or issuer, or begins or terminates those activities which make him an agent, the agent, as well as the broker-dealer or issuer, shall promptly notify the commissioner.

(c) It is unlawful for any person to transact business in this state as an investment adviser unless:

- (1) he is so registered under this act,
- (2) he is registered as a broker-dealer under this act without the imposition of a condition under section 409.204 (b) (5), or
- (3) his only clients in this state are investment companies as defined in the Investment Company Act of 1940 or insurance companies.

(d) The names and addresses of all persons approved for registration as broker-dealers, agents or investment advisers, and all orders with respect thereto, shall be recorded in a register maintained by the commissioner for that purpose, which shall be open to public inspection. Every registration expires one year from its effective date unless renewed.

409.202. Registration procedure.—(a) A broker-dealer, agent, or investment adviser may obtain an initial or renewal registration by filing with the commissioner an application, together with a consent to service of process pursuant to section 409.415 (g) and paying the fee herein prescribed. The application shall contain whatever information the commissioner by rule requires concerning such matters as:

- (1) the applicant's form and place of organization;
- (2) the applicant's proposed method of doing business;
- (3) the qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser; and, in the case of an investment adviser, the qualifications and business history of any employee;

(4) any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and

(5) the applicant's financial condition and history. The commissioner may also require such additional information as he deems necessary to establish the qualifications and the good business repute of the applicant. If no denial order is in effect, and no proceeding is pending under section 409.204, registration becomes effective at noon of the thirtieth day after an application is filed. The commissioner may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after the filing of any amendment.

(b) Every applicant for initial registration as a broker-dealer or as an investment adviser shall pay a filing fee of fifty dollars; every applicant for renewal registration as

a broker-dealer or an investment adviser shall pay a filing fee of twenty-five dollars; every applicant for initial or renewal registration as an agent shall pay a filing fee of ten dollars. When an application is denied or withdrawn, the commissioner shall retain the filing fee.

(c) A registered broker-dealer or investment adviser may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year. There shall be no filing fee.

(d) The commissioner may by rule require a minimum net capital for registered broker-dealers and investment advisers or a minimum ratio between net capital and aggregate indebtedness, or both.

(e) The commissioner may by rule require registered broker-dealers, agents, and investment advisers to post surety bonds in amounts up to twenty-five thousand dollars and may determine their conditions. Any appropriate deposit of cash or security shall be accepted in lieu of any bond so required. No bond may be required of any registrant whose net capital, which may be defined by rule, exceeds one hundred thousand dollars, or any agent of any such registrant. Every bond shall provide for suit thereon by any person who has a cause of action under section 409.411, and, if the commissioner by rule or order requires, by any person who has a cause of action not arising under this act. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within two years after the sale or other act upon which it is based.

(f) The commissioner may by rule require registered broker-dealers to carry fidelity bonds, covering their employees, general partners, and officers, in such form, covering such risks, and in such amounts (not exceeding two hundred fifty thousand dollars) as he deems necessary for the protection of the public; and he may by rule require registered broker-dealers to furnish him satisfactory evidence that they have such bonds.

409.305. Provisions applicable to registration generally.—(a) A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a registered broker-dealer.

(b) Every person filing a registration statement shall pay a filing fee of fifty dollars; in addition, such person shall pay a registration fee equal to one-twentieth of one percent of the amount by which the maximum aggregate offering price at which the registered securities are to be offered in this state exceeds one hundred thousand dollars, but the registration fee shall in no case be more than four hundred fifty dollars. If a registration statement relates to securities issued by investment companies, investment contracts, annuity contracts or securities of a similar character involving a continuous offering, the maximum aggregate offering price of the securities registered by such registration statement shall not exceed two million dollars. When a registration statement is withdrawn before the effective date or a pre-effective stop order is entered under section 409.306, the commissioner shall retain the filing fee. The commissioner may by rule require that the filing fee be paid separately from the registration fee.

(c) Every registration statement shall specify (1) the amount of securities to be offered in this state; (2) the states in which a registration statement or similar document in connection with the offering has been or is to be filed; and (3) any adverse order, judgment, or decree entered in connection with the offering by the regulatory authorities in each state or by any court or the Securities and Exchange Commission.

(d) Any document filed under this act or a predecessor act within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.

(e) The commissioner may by rule or otherwise permit the omission of any item of information or document from any registration statement.

(f) The commissioner may by rule or order require, as a condition of registration by qualification or coordination: (1) the deposit in escrow of any security of the issuer of the securities to be registered (i) issued to a promoter within the past three years, (ii) to

be issued to a promoter, (iii) issued to a promoter for a consideration substantially different from the public offering price within the past ten years, or (iv) issued to any person for a consideration other than cash; and (2) that the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or elsewhere. The commissioner may by rule or order determine the conditions of any escrow or impounding required hereunder, but he may not reject a depository solely because of location in another state.

(g) The commissioner may by rule or order require as a condition of registration that any security registered by qualification or coordination be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be filed with the commissioner or preserved for any period up to three years specified in the rule or order.

(h) Every registration statement is effective for one year from its effective date, or any longer period during which the security is being offered or distributed in a nonexempted transaction by or for the account of the issuer or other person on whose behalf the offering is being made or by any underwriter or broker-dealer who is still offering part of an unsold allotment or subscription taken by him as a participant in the distribution, except during the time a stop order is in effect under section 409.306. A registration statement may be withdrawn only in the discretion of the commissioner.

(i) The commissioner may by rule or order require any issuer whose securities have been registered hereunder to file reports, not more often than quarterly, as may be required to adequately disclose the financial condition and to adequately disclose any changes in management and control of the issuer.

(j) A registration statement relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, may be amended after its effective date so as to increase the securities specified as proposed to be offered. Such an amendment becomes effective when the commissioner so orders. Every person filing such an amendment shall pay the filing fee, and a registration fee calculated in the manner specified in subsection (b), with respect to the additional securities proposed to be offered.

409.306. Denial, suspension and revocation of registration.—(a) The commissioner may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds (1) that the order is in the public interest and (2) that

(A) the registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness or any amendment under section 409.305 (j) as of its effective date, or any report under section 409.305 (i) is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(B) any provision of this act or any rule, order, or condition lawfully imposed under this act has been willfully violated, in connection with the offering, by (i) the person filing the registration statement, (ii) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (iii) any underwriter;

(C) the security registered or sought to be registered is the subject of an administrative stop order or similar order or a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering, but (i) the commissioner may not institute a proceeding against an effective registration statement under clause (C) more than one year from the date of the order or injunction relied on, and (ii) he may not enter an order under clause (C) on the basis of an order or injunction entered under any other state act unless

that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

(D) the issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(E) (i) the offering has worked or tended to work a fraud upon purchasers or would so operate; or (ii) any aspect of the offering is substantially unfair, unjust, inequitable or oppressive, or (iii) the enterprise or business of the issuer is based upon unsound business principles;

(F) the offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options;

(G) when a security is sought to be registered by notification, it is not eligible for such registration;

(H) when a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by section 409.303 (b)(3) and (4); or

(I) the applicant or registrant has failed to pay the proper filing fee; but the commissioner may enter only a denial order under this clause and he shall vacate any such order when the deficiency has been corrected. The commissioner may not institute a stop order proceeding against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective unless the proceeding is instituted within the next thirty days.

(b) The commissioner may by order summarily postpone or suspend the effectiveness of the registration statement pending final determination of any proceeding under this section. Upon the entry of the order, the commissioner shall promptly notify each person specified in subsection (c) that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of an opportunity for hearing to each person specified in subsection (c), may modify or vacate the order or extend it until final determination.

(c) No stop order may be entered under any part of this section except the first sentence of subsection (b) without (1) appropriate prior notice to the applicant or registrant, the issuer, and the person on whose behalf the securities are to be or have been offered, (2) opportunity for hearing, and (3) written findings of fact and conclusions of law.

(d) The commissioner may vacate or modify a stop order if he finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.

409.401. Definitions.—When used in this act, unless the context otherwise requires:

(a) "Commissioner" means the commissioner of securities.

(b) "Agent" means any individual (including an individual who is a broker-dealer, a partner, officer or director of a broker-dealer, or a person occupying a similar status or performing similar functions) who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities. "Agent" does not include an individual who represents an issuer in (1) effecting transactions in a security exempted by clause (1), (2), (3), (4), (5), (6), (9), (10) or (11) of section 409.402(a), (2) effecting transactions exempted by section 409.402(b), (3) effecting transactions with existing employees, partners or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, or (4) effecting transactions with such other persons as the commissioner may by rule or order designate.

(c) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-

dealer" does not include (1) and agent (but an individual who is a broker-dealer may also be an agent), (2) an issuer, (3) a bank, savings institution, or trust company, (4) a person who has no place of business in this state if (A) he effects transactions in this state exclusively with or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers, or (iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (B) during any period of twelve consecutive months he does not direct more than fifteen offers to sell or buy into this state in any manner to persons other than those specified in clause (A), whether or not the offeror or any of the offerees is then present in this state, or (5) such other persons as the commissioner may by rule or order designate.

(d) "Fraud", "deceit", and "defraud" are not limited to common-law deceit.

(e) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(f) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (1) a bank, savings institution, or trust company; (2) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession; (3) a broker-dealer whose performance of these services is solely incidental to the conduct of his business as a broker-dealer and who receives no special compensation for them; (4) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation; (5) a person whose advice, analyses, or reports relate only to securities exempted by section 409.402(a)(1); (6) a person who has no place of business in this state if (A) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (B) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (A), whether or not he or any of the persons to whom the communications are directed is then present in this state; or (7) such other persons not within the intent of this paragraph as the commissioner may by rule or order designate.

(g) "Issuer" means any person who issues or proposes to issue any security, except that (1) with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors or persons performing similar functions or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued; and (2) with respect to certificates of interest or participation in oil, gas, or mining titles or leases, or in payments out of production under such titles or leases there is not considered to be any "issuer".

(h) "Non-issuer" means not directly or indirectly for the benefit of the issuer.

(i) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(j) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value.

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

(3) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value.

(4) A purported gift of assessable stock is considered to involve an offer and sale.

(5) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(6) The terms defined in this subsection do not include (A) any bona fide pledge or loan; (B) any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the dividend other than the surrender of a right to a cash or property dividend when each stockholder may elect to take the dividend in cash or property or in stock; (C) any act incident to a class vote by stockholders, pursuant to the certificate of incorporation or the applicable corporation statute, on a merger, consolidation, reclassification of securities, or sale of corporate assets in consideration of the issuance of securities of another corporation; or (D) any act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash.

(k) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after January 1, 1968.

(l) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; limited partnership interest; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease; or any contract or bond for the sale of any interest in real estate on deferred payments or on installment plans when such real estate is not situated in this state; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period.

(m) "State" means any state, territory, or possession of the United States, the District of Columbia and Puerto Rico.

409.402. Exemptions.—(a) The following securities are exempted from sections 409.301 and 409.403:

(1) any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) any security issued by and representing an interest in or a debt of or guaranteed by, any bank organized under the laws of the United States, or any bank.

savings institution, or trust company organized and supervised under the laws of any state;

(4) any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state;

(5) any security issued by an agricultural cooperative corporation organized under the laws of this state;

(6) any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state;

(7) any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (A) subject to the jurisdiction of the Interstate Commerce Commission; (B) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; (C) regulated in respect of its rates and charges by a governmental authority of the United States or any state; or (D) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

(8) any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, or the Midwest Stock Exchange or any other duly organized stock exchange approved by the commissioner by rule or order; any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(9) any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association if the commissioner is notified in writing thirty days, or such shorter period of time as the commissioner may by rule or order specify, before any such security is sold or offered for sale other than in transactions exempted under subsection (b) hereof;

(10) any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) any security offered, sold, issued, distributed or transferred in connection with an employees' stock ownership, savings, pension, profit-sharing, stock bonus, or similar benefit plan or trust (including a self-employed persons retirement plan), provided, in the case of plans or trusts which are not qualified under Section 401 of the Internal Revenue Code of 1954 and which provide for contributions by employees, if the commissioner is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on January 1, 1968, within sixty days thereafter (or within thirty days before they are reopened if they are closed on January 1, 1968). The commissioner may for good cause shown accept written notification at any time before the issuance of any such security in this state or any security offered, sold, issued, distributed or transferred in connection with an employees' stock purchase or stock option plan. In the case of issuers who do not have a class of securities registered under Section 12 of the Securities Exchange Act of 1934 the commissioner may for good cause shown accept notification in writing before the first issuance of interests or participations under a stock purchase plan or before the first exercise of options under a stock option plan;

(b) The following transactions are exempted from sections 409.301 and 409.403 except that no transaction in a certificate of interest or participation, including a

limited partnership interest, in an oil, gas or mining title or lease, or in payments out of production or under such a title or lease shall be so exempted:

(1) any isolated non-issuer transaction, whether effected through a broker-dealer or not;

(2) any non-issuer distribution of an outstanding security if (A) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (B) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security;

(3) any non-issuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order to buy if the broker-dealer acts as agent for the purchase and receives no commission or other compensation from any source other than the purchaser; but the commissioner may by rule require that the purchaser acknowledge upon a specified form that his order to buy was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;

(6) any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) any transaction executed by a bona fide pledgee without any purpose of evading this act;

(8) any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profitsharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) any transaction by an issuer in a security of its own issue if immediately thereafter the total number of persons who are known to the issuer to have any direct or indirect record or beneficial interest in any of its securities (but not including persons with whom transactions have been exempted by paragraph (8) of this subsection) does not exceed twenty-five and if no commission or other remuneration is paid or given to anyone for procuring or soliciting the transaction;

(10) any transaction by an issuer in a security of its own issue if (A) during the twelve months' period ending immediately after such transaction the issuer will have made no more than fifteen transactions exempted by this paragraph (other than transactions also exempted by paragraphs (8) and (9)), and (B) the issuer reasonably believes that the buyer is purchasing for investment and the buyer so represents in writing and (C) no commission or other remuneration is paid or given to anyone for procuring or soliciting the sale; but the commissioner may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, or increase or decrease the number of prior transactions permitted by clause (A) or waive the conditions in clauses (B) or (C) with or without the substitution of a limitation on remuneration;

(11) any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (A) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting

any security holder in this state, or (B) the issuer first files a notice specifying the terms of the offer and the commissioner does not by order disallow the exemption within the next five full business days:

(12) any offer (but not a sale) of a security for which registration statements have been filed under both this act and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act;

(13) any non-issuer transaction by a person who does not control, or who is not controlled by or under common control with, the issuer in a security which has been (and securities which are of the same class as securities of the same issuer which have been) either registered for sale under the laws of this state regulating the sale of securities or lawfully sold in this state as a security exempt from such registration;

(14) any non-issuer transaction in a security which at the time of such transaction would be eligible for registration by notification;

(15) any non-issuer transaction by a person who does not control, and is not controlled by or under common control with, the issuer if (i) the transaction is at a price reasonably related to the current market price, and (ii) the security is registered with the Securities and Exchange Commission under Section 12 of the Securities Exchange Act of 1934 and the issuer files reports with the Securities and Exchange Commission pursuant to Section 13 of that act.

(c) The commissioner may by rule or order exempt from sections 409.301 and 409.403 any other transaction not exempted in subsection (b), and may by order withdraw or condition the exemption as he deems necessary in the public interest.

(d) The commissioner may by order deny or revoke any exemption specified in clause (9) or (11) of subsection (a) or in subsection (b) with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the commissioner may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon the entry of a summary order, the commissioner shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated section 409.301 or 409.403 by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order.

(e) In any proceeding under this act, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

409.419. Rules to expire, when—revived, how—rulemaking authority under sections 409.201, 409.202, 409.305, 409.306, 409.401, and 409.402 expires November 30, 1981.—Any rule promulgated pursuant to chapter 409 RSMo. shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire on November 30, 1981.

Approved July 27, 1977.

AN ACT to repeal sections 33.090, 411.020, 411.026, 411.061, 411.070, 411.105, 411.115, 411.180, 411.260, 411.263, 411.266, 411.271, 411.275, 411.280, 411.283, 411.290, 411.295, 411.311, 411.371, 411.671 and 411.691, RSMo 1969, and 411.015, RSMo Supp. 1975, relating to the Missouri grain warehouse law, and to enact in lieu thereof thirty-seven new sections relating to the same subject.

SECTION

1. Enacting clause.
- 33.090. Establish rules concerning travel and subsistence.
- 411.015. Scope of law.
- 411.020. Application of law.
- 411.026. Definitions.
- 411.061. Director not to deal in grain, exception.
- 411.070. Duties of director.
- Paragraph A. Termination of certain rule making powers.
- 411.115. License to inspect, weigh and grade grain required, when—license, how obtained, displayed, where—fee.
- 411.180. Right of inspection, penalty for refusal—confidential information, penalty for disclosure.
- 411.260. Application for public warehouse license.
- 411.263. Fee for license.
- 411.266. Renewal of license—application, contents of—penalty for late renewal.
- 411.271. Examination of warehouse—paid for by whom—discrepancy, effect of.
- 411.275. Warehouseman to give bond, amount—cancellation by surety, notice required, effect of cancellation.
- 411.280. Net worth requirements, deficiency, how corrected.
- 411.283. Requirements for license—denial of license, notice, hearing—contents of license—posting of license, duplicate license issued, when—notice of suspension, cancellation, revocation or refusal to issue—removal of license, effect of.
- 411.290. Insurance required.

SECTION

- 411.295. Director may hold hearings, administer oaths, subpoena witnesses and evidence and punish for contempt.
- 411.311. Operation without license prohibited, penalty.
- 411.371. Warehouse receipts, approval by director required—counterfeiting, penalty for—unused receipts returned to director, when.
- 411.671. Discontinuing business as a public warehouse—procedure—audit, when had.
- 411.691. Fee for public warehouse license, how computed.
2. Operations for which a license is required.
3. Procedure on receipt of grain by public warehouse.
4. Amount of bond, how computed.
5. Additional bond required, when—amount, how determined.
6. Inventory required to be maintained—documents required to establish inventory.
7. Insufficient inventory, procedure to correct.
8. Grain bank grain, how treated.
9. Procedure after license is revoked.
10. Director may monitor operations, when—fee for monitoring.
11. Warehouse receipt register, how maintained.
12. Records required to be kept at warehouse.
13. Scale tickets, when required, contents of.
14. Safe working conditions to be maintained.
15. Failure to pay fees, effect of.
16. Remedies provided are in addition to and not exclusive.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 33.090, 411.020, 411.026, 411.061, 411.070, 411.105, 411.115, 411.180, 411.260, 411.263, 411.266, 411.271, 411.275, 411.280, 411.283, 411.290, 411.295, 411.311, 411.371, 411.671 and 411.691, RSMo 1969 and 411.015, RSMo Supp. 1975, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections A. 411.015, 411.020, 411.026, 411.061, 411.070, 411.115, 411.180, 411.260, 411.263, 411.266, 411.271, 411.275, 411.280, 411.283, 411.290, 411.295, 411.311, 411.371, 411.671, 411.691, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, to read as follows:

I wish to call your attention to Section 1 of Senate Bill No. 75. Section 33.090 was omitted from the list of sections enacted.

JOSEPH P. TEASDALE, Governor

33.090. Establish rules concerning travel and subsistence.—The

Commissioner of Administration shall be empowered to promulgate rules and regulations governing the incurring and payment of reasonable and necessary travel and subsistence expenses actually incurred on behalf of the state.

411.015. Scope of law.—The provisions of the "Missouri Grain Warehouse Law" shall apply to all warehouses located within the state of Missouri not licensed under the provisions of the United States Warehouse Act.

411.020. Application of law.—1. The provisions of sections 411.010 to 411.701 shall apply to the grain stored in or handled through a warehouse, or designated part thereof, and as well to the operations of such warehouse whether or not any part of such grain is owned by the warehouseman.

2. The provisions of the uniform commercial code relating to warehouse receipts (section 400.7-101 to section 400.7-603, RSMo) shall govern warehouse receipts issued by public warehousemen licensed under the provisions of sections 411.010 to 411.701, except to the extent inconsistent with the express provisions of sections 411.010 to 411.701.

411.026. Definitions.—The following words, terms and phrases, when used in sections 411.010 to 411.701, except where the context clearly indicates a different meaning, shall mean:

(1) "Authorized agent", any employee or official of the department authorized by the director to assist in the administration or enforcement of the provisions of this chapter;

(2) "Commissioner", the director of the Missouri department of agriculture or his designated representative;

(3) "Compensation", anything of value or benefit, whether in cash, kind or otherwise. Any amount paid under a deferred pricing or deferred payment agreement in excess of the price for grain, whether designated as a service charge, storage fee or otherwise, shall be deemed to be compensation within the meaning of this chapter;

(4) "Deferred pricing agreement", a grain sales contract that conveys the title and all rights of ownership to the buyer, but allows the seller to set the price of the grain later at an agreed-upon relationship to a future month's price or some other mutually agreeable method of price determination. This term should not be confused with a "deferred payment agreement" which is a contract employed primarily for the purpose of shifting farmers' income forward one or more years for those who are on a cash basis of accounting;

(5) "Delivery", the voluntary physical transfer of grain from one person to another;

(6) "Department", the Missouri department of agriculture;

(7) "Depositor", any person who deposits grain in a warehouse for storage, handling, shipment, processing, or who is the owner or holder of a warehouse receipt, or who is otherwise lawfully entitled to possession of the grain;

(8) "Designated representative", the employee or official of the department designated by the director to exercise direct supervisory control over the administration and enforcement of the Missouri grain warehouse law;

(9) "Director", the director of the Missouri department of agriculture or his designated representative;

(10) "Grain", all grains for which standards have been established under the United States Grain Standards Act (Sections 71 to 87 of Title 7, United States Code), also agricultural commodities, seeds and vegetable oils generally stored in warehouses;

(11) "Grain inspector", a warehouseman or a person employed by the warehouseman and licensed under section 411.115 of this chapter to inspect, grade or sign warehouse receipts for grain stored or to be stored in a warehouse licensed under this chapter;

(12) "Grain weigher", a warehouseman or a person employed by the warehouseman and licensed under section 411.115 of this chapter to weigh grain stored

or to be stored in a warehouse licensed under this chapter;

(13) "Holder of receipt", a person who has both actual possession of a warehouse receipt, and a right of property therein;

(14) "Interested person", any person having a contractual or other financial interest in grain;

(15) "Licensed warehouse", a warehouse for which the department has issued a license to operate as a public warehouse in accordance with the provisions of this chapter;

(16) "Licensed warehouseman", a warehouseman who owns or operates a warehouse licensed under the provisions of this chapter;

(17) "Official grain standards", the standards of quality or condition for grain, fixed and established by the Secretary of Agriculture of the United States of America under the regulations of the United States Grain Standards Act;

(18) "Operator" or "warehouseman", any person who owns, controls, operates or manages any warehouse whether such owner resides within the state or not;

(19) "Private warehouse", any warehouse within this state used for the purpose of storing grain exclusively for the owners or operators of that warehouse and, except as otherwise herein specifically provided, which is not subject to the provisions of sections 411.010 to 411.701;

(20) "Public warehouse", a warehouse used for the purpose of storing grain of different owners for a compensation received directly or indirectly, whether grain of different owners be commingled or whether identity of different lots be preserved, or a warehouse used for any purpose for which a license is required under section 2 of this act;

(21) "Public warehouseman", any person owning or operating a public warehouse whether that owner or operator resides within the state or not;

(22) "Receipt", a grain warehouse receipt, whether negotiable or nonnegotiable, issued under this chapter. A scale ticket issued in accordance with section 13 of this act or regulations adopted thereunder is a form of nonnegotiable receipt;

(23) "Regulations", rules, regulations and standards promulgated pursuant to this chapter by the director;

(24) "Storage grain" or "stored grain", any grain received in a warehouse, including grain bank grain, which has not been purchased or on which the sale price has not been fixed and the proper documentation and payment made in accordance with the provisions of this chapter;

(25) "Successor's agreement", a written agreement between any public warehouseman ceasing operations as a public warehouseman and the person succeeding him which states how the obligations to depositors will be handled;

(26) "Terminal warehouse", any warehouse where the department makes available official grain inspectors and official weighmasters;

(27) "Terminal warehouseman", the person owning or operating a terminal warehouse whether such owner or operator resides within the state or not;

(28) "Violation", any act contrary to the provisions of this chapter or any failure by a person to act as required by the provisions of this chapter or regulations promulgated hereunder;

(29) "Warehouse", any building, structure or other enclosure in which grain is or may be stored and through which grain is or may be handled or shipped. All facilities used in connection with the operation of the warehouse shall be deemed to be part of the warehouse;

(30) "Warehouse auditor", or "warehouse examiner", or "inspector", any individual appointed under this chapter by the director to assist in the administration of the chapter. His duties may include making examinations, audits, inspections and investigations authorized under this chapter. These terms shall include persons employed as warehouse examiners under the United States Warehouse Act.

411.061. Director not to deal in grain, exception.—The director shall not, directly or indirectly, be interested in buying or selling grain, either on his own account or for others or in handling or storing grain as a public warehouseman or on private account, during his term of office; except that, he may sell, handle or store any grain produced in his own farming operation.

411.070. Duties of director.—1. The director shall:

(1) Supervise the handling, sampling, inspection, weighing and storage of grain in warehouses as required by sections 411.010 to 411.701;

(2) Supervise protein or other chemical analysis of grain where laboratories are now or may hereafter be established;

(3) Keep proper records of all sampling, inspection, weighing, protein or other chemical analysis performed under the provisions of sections 411.010 to 411.701;

(4) Employ, fix the salaries and pay all necessary personnel required to administer, execute and perform the duties required by the provisions of sections 411.010 to 411.701;

(5) Cause the operations of warehousemen licensed under this chapter to be examined. The examinations may include an audit of all grain and all books, documents and records pertaining to the warehousemen's business operations, to determine whether the interests of producers, shippers and receivers of grain and the holders of warehouse receipts are adequately protected and safeguarded. The director shall take such action or issue such orders as permitted by law to prevent any fraud upon or discrimination against depositors of grain in licensed warehouses. If upon examination, a deficiency is found to exist between physical inventory and the warehouseman's obligations, the director may require an examiner to remain at the warehouse and monitor all operations conducted thereat, involving grain stored under the provisions of this chapter, until such deficiency is corrected.

2. The director may:

(1) Promulgate and adopt such regulations in accordance with the provisions of chapter 536, RSMo, as may be necessary for the efficient and effective enforcement of this chapter;

(2) Designate a qualified employee of the department to act as his designated representative;

(3) Publish such data in connection with the administration of this chapter as may be of public interest;

(4) Require any forms, records or reports to be filed with the department, by any warehouseman, that he deems necessary to insure compliance with the provisions of this chapter;

(5) Examine, or cause to be examined, at reasonable times, any warehouse, including an examination of grain stored therein and all books, documents and records pertaining thereto, in order to determine whether or not such facility should be licensed pursuant to this chapter;

(6) Prescribe minimum contents for any forms, records, contracts or reports that grain warehousemen use or by the provisions of this chapter and its pursuant regulations, are required to issue, file, maintain or keep;

(7) Issue subpoenas duces tecum for any records relating to a grain warehouseman's business;

(8) Prescribe procedures for hearings to be held in accordance with the provisions of this chapter and regulations promulgated hereunder, provided however an appeal from such hearings may be taken in accordance with the provisions of chapter 536.

Paragraph A. Termination of certain rule making powers.—Any rule promulgated pursuant to this chapter shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire on November 30, 1981.

411.115. License to inspect, weigh and grade grain required, when—license, how obtained, displayed, where—fee.—1. No grain shall be stored or accepted for storage in any licensed warehouse unless first inspected, graded and weighed by an individual licensed under this section.

2. A warehouseman or any individual employed by a warehouseman may apply to the director, on a form provided by the director, to be licensed as an inspector or a weigher of grain. It shall be indicated on that form whether the applicant is to be authorized to sign warehouse receipts.

3. Upon receipt of a complete and sufficient application, including a statement of the applicant's competency properly executed by the warehouseman, the director shall issue to the applicant a license to inspect or a license to weigh grain, if he is satisfied that the applicant is competent to inspect or weigh grain.

4. A license issued under this section shall be posted at the warehouse where the licensee is employed. If a licensee is transferred to another licensed warehouse owned or operated by the same warehouseman the license issued under this section may be transferred. No license issued under this section shall be transferable in any other situation.

5. Nothing within this chapter shall be construed to mean that any person licensed under this section may give official weights or official inspections or in any way perform the duties of an official weigher or official inspector.

6. The fee for a license issued under this section shall be set by the director by regulation, but in no event shall the fee be less than five dollars nor more than ten dollars for each license issued.

411.180. Right of inspection, penalty for refusal—confidential information, penalty for disclosure.—1. The director or his authorized agent may inspect every grain warehouse, the business thereof, and the mode of conducting the same at such times as he may deem necessary; and the property, books, records, accounts, papers, and the proceedings pertaining to the operations of these warehouses, so far as they may relate to the operation or management of public storage, and to the ability of the warehouseman to meet his grain and dollar obligations shall, during regular business hours, be subject to examination and inspection of the director, or his authorized agent.

2. Every grain warehouseman and his employees, agents, officers, partners, directors and shareholders shall cooperate and hold themselves available to assist in the examination, including allowing full and reasonable use of sampling and grading equipment. Failure or refusal to cooperate or assist is a violation of this chapter and a basis for the suspension of a public grain warehouseman's license.

3. No inspector or employee of the department shall disclose any information obtained by him in the course of his employment relative to the affairs or transactions of any warehouseman, other than as permitted by sections 411.010 to 411.701, without first having obtained the express permission in writing of such warehouseman, or of the director; provided, that the director may, upon written application of any person, disclose or direct any inspector or employee of the department to disclose any information which, in the opinion of the director, the person applying for the same is entitled to receive. If any such inspector or employee shall disclose any such information except as permitted by sections 411.010 to 411.701 he is guilty of a misdemeanor. This section shall not prevent the taking of sworn testimony at a public hearing with respect to violations of this chapter or regulations promulgated hereunder.

411.260. Application for public warehouse license.—Each person owning or operating a grain warehouse, required to be licensed under section 2 of this act, shall apply for a license for each such warehouse he owns or operates. The application for a license shall be typewritten and subscribed and sworn to under oath by the applicant or a duly authorized representative of the applicant. The application shall be in a form prescribed by the director. All items on the application must be completed or marked "not applicable" as appropriate. The application shall be accompanied by a true and

accurate financial statement of the applicant, made within six months of the date of the application, setting forth the assets, liabilities and the net worth of the applicant. The director may require any additional information or verification with respect to the financial resources of the applicant as he deems necessary for the effective administration of this chapter.

411.263. Fee for license.—Every warehouseman's original application for a public warehouse license must be accompanied by a fifty dollar application fee. Every applicant after approval shall pay an annual license fee based upon the capacity of the warehouse, or portion of the warehouse, the fee to be set by the director at a rate not to exceed the schedule of license fees set forth in section 411.691. If two or more warehouses are to be operated as a single operating unit as authorized in section 2 of this act, separate filing fees and licensing fees are required for each warehouse.

411.266. Renewal of license—application, contents of—penalty for late renewal.—If a public warehouseman licensed under sections 411.010 to 411.701 desires to renew the license for an additional year, application for the renewal shall be made on a form prescribed by the director and shall be accompanied by a financial statement, as required by section 411.260, with such additional information or verification with respect to the financial resources of the applicant as the director may require. The application fee of fifty dollars shall not be required. At least sixty days prior to the expiration of each license issued by the director under sections 411.010 to 411.701, the director shall notify the warehouseman of the date of expiration and furnish the warehouseman with the renewal form. The warehouseman shall submit the application at least thirty days prior to the date of expiration of the license and for each day less than thirty days, the warehouseman shall be penalized an additional fee of five dollars per day for the first five days and ten dollars per day for each and every day thereafter. The date of submission of the application shall be determined as the date postmarked.

411.271. Examination of warehouse—paid for by whom—discrepancy, effect of.—1. The department shall make at least one complete examination of each state licensed public warehouse each year. The examination shall be at the expense of the warehouseman who shall be charged thereby a fee based on rates established by the director based on one-third of the capacity of the warehouse. The minimum examination fee shall be fifty dollars. The examination shall include a weigh-up of all grain or a measure-up of all grain, as may be elected by the warehouseman.

2. Any additional examinations deemed necessary by the department to be made during any year shall be at the expense of the department; except that, if upon any examination a discrepancy is found to exist, the director may collect a fee for that examination and for any subsequent examinations deemed necessary to insure that the discrepancy is corrected. The fee for each such examination shall be the same as that provided for the examination required by subsection 1 of this section.

3. Any warehouseman may request additional examinations at the expense of the warehouseman. The director may collect a fee for each special or requested inspection of a public grain warehouse or for extra work beyond regular inspection procedures in connection with regularly scheduled inspections, computed as follows:

(a) Necessary personal expenses in conformance with the rules and regulations promulgated by the commissioner of administration pursuant to section 33.090, RSMo;

(b) A mileage allowance equal to the allowance established by the commissioner of administration pursuant to section 33.095, RSMo;

(c) Ten dollars for each man-hour required to complete the inspection.

4. Upon completion of any examination which reveals a failure to comply with this chapter or regulations promulgated hereunder, the director or any warehouse auditor, within a reasonable time, shall present a written discrepancy report to the warehouseman, his employee or agent. The report shall specify the areas of noncompliance and shall give a specific period within which corrective action is to be taken. A report of that corrective action shall be sent to the director. If after further

examination, the discrepancy still exists, the director shall suspend the warehouseman's license until the warehouseman has corrected the discrepancy.

411.275. Warehouseman to give bond, amount—cancellation by surety, notice required, effect of cancellation.—1. Before any person is granted a license pursuant to the provisions of sections 411.010 to 411.701, the person shall give a bond other than personal security to the director executed by the warehouseman as principal and by a corporate surety licensed to do business in this state as a surety. The bond shall be in favor of the state of Missouri for the benefit of all persons interested, their legal representatives, attorneys, or assigns, conditioned for the faithful performance of all his duties as a public warehouseman, and all additional obligations as may be assumed by the warehouseman under contracts with persons storing grain in the warehouse. Notwithstanding any other provisions of this chapter, the bond provided shall cover all grain deposited with a licensed warehouseman, whether under open storage or warehouse receipts.

2. Neither the issuance of warehouse receipts by a warehouseman to himself for grain owned in whole or in part by him, the commingling of grain owned by the warehouseman with grain stored for others or any violation by a warehouseman of this chapter or of the regulations promulgated hereunder by the director is a defense in any action brought upon any bond, and all bonds shall so provide.

3. The surety bond required by this section shall be effective on the date of issue, shall not be affected by the expiration of the license period, and shall continue in full force and effect until canceled.

4. The required bond shall be kept in force at all times while the operator is conducting a public grain warehouse. Failure to keep such bond in force is cause for revocation of the license, and the warehouseman is subject to the penalties provided in this chapter. No warehouseman may cancel an approved bond without the prior written approval of the director and his approval of a substitute bond.

5. A warehouseman filing bonds required under this chapter, or regulations promulgated hereunder, shall utilize the same corporate surety for all bonds required for the operation of any one warehouse.

6. In case any person shall make application for licenses for two or more separate public warehouses in this state, he may give a single bond covering all such applications, and the amount of the bond shall be the total of the amounts which would be required for the several applications if separate bonds were given; except, however, that in computing the amount of the single bond the warehouseman may add together the capacity of all warehouses to be covered thereby and use the aggregate capacity for the purpose of computing bond. When a warehouseman elects to provide a single bond for a number of warehouses, the total assets of all the warehouses shall be subject to liabilities of each individual warehouse. In all actions hereafter commenced in which judgment is rendered against any surety company on any surety bond furnished under the provisions of this section, if it appears from the evidence that the surety company has refused to pay the loss upon demand without just cause, the court in rendering judgment shall allow the plaintiff a reasonable sum as attorney's fee to be recovered and collected as a part of the costs; except, that when a tender is made by the surety company before the commencement of the action in which judgment is rendered and the amount recovered is not in excess of the tender, no costs shall be allowed.

7. Every bond filed shall contain a provision that it may not be cancelled by the principal or surety company except upon ninety days prior notice in writing, by certified mail, to the director at his Jefferson City office. In the case of a surety giving notice of cancellation, a copy of such notice shall be mailed on the same day to the principal. The cancellation does not affect the liability accrued or which may accrue under such bond before the expiration of the ninety days. The notice shall contain the termination date.

8. Whenever the director receives notice from a surety that it intends to cancel the

bond of a warehouseman, the director shall automatically suspend the warehouseman's license if a new bond is not received by the director within thirty days of receipt of the notice of intent to cancel. The director shall cause an inspection of the licensed warehouse immediately at the end of such thirty day period. If a new bond is not received within sixty days of receipt of the notice of intent to cancel, the director shall revoke the warehouse license. The director shall cause a further inspection of the warehouse at the end of this sixty day period. When a license is so revoked, the director shall give notice of such revocation to each holder of an outstanding warehouse receipt. The director shall further notify each receipt holder that grain must be sold to the warehouseman or removed from the warehouse not later than the ninetyth day following receipt by the director of the notice of intent to cancel. Such notice to each receipt holder shall be sent by ordinary mail to the last known address of each receipt holder. The director shall cause a final inspection of the licensed warehouse immediately after the end of the ninety day period. The warehouseman shall pay a fee for each examination provided for in this subsection. The fee shall be computed in accordance with subsection 3 of section 411.271.

411.280. Net worth requirements, deficiency, how corrected.—Every warehouseman conducting a public warehouse under the provisions of sections 411.010 to 411.701 shall not be considered to have sufficient security against any loss which might occur unless he shall have and maintain a net worth equal to at least fifteen cents per bushel of the warehouse's storage capacity, except that for the purpose of this section, the amount of such net worth need not be more than one hundred fifty thousand dollars. Capital stock, for the purpose of determining the net worth, shall not be considered a liability. Any deficiency in such net worth may be supplied by an increase in the amount of bond given by said warehouseman as otherwise required by sections 411.010 to 411.701.

411.283. Requirements for license—denial of license, notice, hearing—contents of license—posting of license, duplicate license issued, when—notice of suspension, cancellation, revocation or refusal to issue—removal of license, effect of.—1. Upon receiving an original application, the director shall make an examination of the warehouse covered by the application. The director shall issue a license to operate a public grain warehouse if he determines that:

- (1) The application is sufficient;
- (2) The warehouse facility is suitable for the proper storage of grain. The director shall determine the suitability of the warehouse for the storage of grain based upon the type, location, construction, layout and facilities of each warehouse. The director's findings shall include, but not be limited to, the following:
 - (a) The storage facilities are weathertight so as to protect the grain from the elements at all times;
 - (b) The facilities and the practices with respect to those facilities are such as to maintain and preserve the quantity and quality of the grain;
 - (c) Safe and adequate means of ingress and egress to the various storage units of the warehouse are provided and maintained by the warehouseman;
- (3) The applicant is capable of performing the service proposed;
- (4) The applicant is willing and able to comply with the provisions of this chapter and regulations promulgated hereunder;
- (5) The applicant has not been involved in improper manipulation of inventories or other improper business practices;
- (6) The applicant has sufficient financial resources to adequately protect depositors; except that, if the director finds that the applicant, management personnel, a principal officer or partner has a bad business reputation, the director may deny the application. If the director is not satisfied with the applicant's qualifications as stated in this section, the application may be denied. If the application is denied notice shall be mailed to the applicant setting forth the reasons for the denial of the license. Within

fifteen days of receipt of a notice of denial for license, the applicant may file a written application with the director for a hearing on the denial. The hearing shall be carried out in accordance with the provisions of this chapter and regulations promulgated hereunder.

2. Every license shall be dated, shall designate the kind of warehouse which it authorizes to be operated, and shall expire one year from and after the date of its issuance, and shall designate the name of the licensee and the location of the warehouse; except that the director may issue original licenses for periods longer than one year but not longer than two years, for the purpose of equitably distributing application dates of licenses throughout each calendar year, and for license periods of longer than one year he shall compute the license fee for that portion of the period beyond one year pro rata on a daily basis. So far as possible the director shall endeavor to avoid expiration of licenses during the months of June, July and August of any license year.

3. Every license shall be, at all times during the operation of the licensed warehouse, posted in a conspicuous place in the office room of the warehouse. Upon proof, satisfactory to the director, that a public grain warehouse license issued under this chapter has been destroyed or lost, the director may issue to the warehouse a duplicate license, with "DUPLICATE" clearly printed on its face. The fee for such duplicate license is ten dollars.

4. If the holder of any public warehouseman's license is convicted of any violation of this chapter, or if the director determines that any holder has violated any of the provisions of this chapter, or any of the rules and regulations adopted by the director under the provisions of this chapter, the director may at his discretion suspend, cancel, revoke or refuse to renew the license of the holder. All proceedings for the suspension, cancellation or revocation of licenses shall be before the director and the proceedings shall be in accordance with rules and regulations which shall be adopted by the director. No license shall be suspended, canceled or revoked except after hearing by the director with not less than ten days notice to the licensee and an opportunity to appear and defend.

5. Whenever the director shall suspend, cancel, revoke or refuse to issue any license he shall prepare an order so providing which shall be signed by the director or some person designated by him, and the order shall state the reason or reasons for the suspension, cancellation, revocation or refusal to issue the license. The order shall be sent by certified mail to the licensee or applicant at the address of the warehouse licensed or applying for a license. Within thirty days after the mailing of the order, the licensee, if aggrieved by the order of the director, may appeal as provided in chapter 536, RSMo. At the time of the filing of the appeal, the party appealing shall give a bond for costs conditioned on his prosecuting the appeal without delay and paying all costs assessed against him.

6. Notwithstanding any other provision of this chapter, if, upon examination, it is determined that a licensed warehouseman has violated or is violating any of the provisions of this chapter, and the director has reasonable cause to believe that the nature of the violation is such that there exists an immediate danger of substantial loss, the director may authorize and cause any employee charged with the enforcement of this chapter to remove the warehouseman's license to operate a public grain warehouse from the premises of the warehouse. Any license so removed shall be returned to the director. The removal of the license from the premises shall constitute a temporary suspension of the license. Notwithstanding the advance notice provision contained in this chapter, the director shall grant a hearing, to be held in accordance with the provisions of this chapter and regulations promulgated hereunder, as soon thereafter as is possible, but not later than five days after the temporary suspension imposed by removal of the warehouseman's license.

411.290. Insurance required.—1. Every state licensed public warehouseman shall in his own name at all times keep all the grain contained in his warehouse insured

by some reliable insurance company authorized to do business in the state of Missouri. The grain is to be insured for its full market value against loss by fire, inherent explosion, lightning, and windstorm. Failure to do so is a violation of this chapter and shall make the public warehouseman liable for the same on his bond.

2. In case of a fire, inherent explosion, lightning, or windstorm, which shall destroy or damage all or part of the grain stored in any public warehouse, the public warehouseman shall, upon demand by the owner of the grain, or the holder of any warehouse receipt or receipts for such grain, and upon being presented with the warehouse receipt or receipts, or other evidence of ownership, make settlement for the value of the grain covered by the warehouse receipt, or receipts, after deducting the warehouse charges, at the market value of same, basing the value at the average price paid for grain of the same grade and quality at the station where the public warehouse is located on the date of the destruction. In the event settlement is not made within sixty days from the date of the demand, the depositor shall have the right to seek recovery from the insurance company.

3. Fraud or other criminal act of the warehouseman, to which the holder of a warehouse receipt or other interested person is not a party, shall not deprive the holder of a warehouse receipt, storage receipt or scale ticket or other interested person of his right of recovery under such policy of insurance.

4. No insurance policy shall be canceled by the insurance company on less than forty-five days notice by certified mail to the director and the principal; except, if such policy is being replaced with another policy and evidence of the new policy is filed with the director at the time of cancellation of the policy on file. The notice shall contain the termination date. Any replacement insurance shall be provided by, and carried in the name of, the warehouseman. Notwithstanding any other provisions of this chapter, the license of a warehouseman shall automatically be suspended for failure to file new evidence of insurance within fifteen days of the date of cancellation. If additional insurance is not filed by the date of cancellation, the warehouse license shall be automatically revoked.

5. No warehouseman may cancel approved insurance without the prior written approval of the director and his approval of substitute insurance.

411.295. Director may hold hearings, administer oaths, subpoena witnesses and evidence and punish for contempt.—The director shall have power in the conduct of any investigation or hearing authorized or held by him to examine, or cause to be examined, under oath, any person, and to examine, or cause to be examined, books and records of any warehouseman; to hear testimony and take proof material for his information in the discharge of his duties under this chapter; to administer or cause to be administered oaths; and for any such purposes to issue subpoenas, to require the attendance of witnesses and the production of books which shall be effective in any part of this state; and any circuit court, or any judge thereof, either in term time or in vacation, may by order duly entered, require the attendance of witnesses and the production of relevant books and records subpoenaed by the director, and the court or judge may compel obedience to its or his order by proceedings for contempt.

411.311. Operation without license prohibited, penalty.—1. Any person who (1) operates a warehouse for storage of grain for compensation, received directly or indirectly, (2) holds himself out as being in the grain storage business, or as offering storage facilities for grain, (3) advertises for, solicits or accepts grain for storage, (4) carries on a grain bank operation, or receives and stores grain for which a like quantity of grain is to be returned or delivered in any form to the depositor thereof, or (5) issues and uses deferred pricing or deferred payment agreements, without first obtaining and keeping in force an annual license issued by the department authorizing the operation of a public grain warehouse, or without having the license displayed in a conspicuous place, or who shall continue to transact any such business as a public warehouse after the license has been revoked or suspended, except that he may purchase from or deliver

to depositors property previously stored in the warehouse, is guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not less than one hundred dollars, or not more than five hundred dollars, for each and every day the business is carried on.

2. The director may refuse to renew any license or grant a new one to any person whose license has been revoked for a period of one year from the date of the revocation.

411.371. Warehouse receipts, approval by director required—counterfeiting, penalty for—unused receipts returned to director, when.—

1. Warehouse receipts shall be issued by any licensed public warehouseman as herein defined upon the request of any depositor, and must be issued in manner and form as provided by this chapter or prescribed by rule, and the form of all receipts shall be approved by the director. The director shall be authorized to have printed all warehouse receipts, grade certificates, and weight certificates issued by public warehouseman licensed under this chapter.

2. It shall be unlawful for any public warehouseman to issue any warehouse receipts for any grain received except upon warehouse receipts approved by the director. Any person who shall issue or cause to be issued any counterfeit warehouse receipt shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the division of corrections for not less than two years nor more than five years.

3. Whenever the license of a public warehouseman expires or is revoked or suspended, he shall return all unused warehouse receipts to the director; the director shall immediately notify the holders of all outstanding receipts of the expiration or revocation of the license.

411.671. Discontinuing business as a public warehouse—procedure—audit, when had.—1.

Any person operating a public warehouse in Missouri under this chapter, who desires to discontinue the operation of a public warehouse, shall notify all holders of warehouse receipts and all parties storing grain in the warehouse, if known; if not known, by advertising in a newspaper of general circulation in the county in which the warehouse is situated, and the director of the state department of agriculture, at least thirty days prior to the date of his intention to discontinue the public warehouse business. The owners of the grain shall sell to the warehouseman or remove, or cause to be removed, their grain from the warehouse, before the termination of the license. If for any cause the grain is not sold to the warehouseman or removed from the warehouse, the warehouseman shall sell the grain at the best market price obtainable and deposit the funds with a bank authorized to do business in Missouri to be held for the account of the depositor. If and when the depositor, or holder of claim, appears and presents a valid claim to the bank for the funds so deposited, the bank shall deliver the funds to the claimant.

2. A warehouse license is invalid upon the change of ownership, cessation of operations, change of partners in a partnership, change of corporate structure of a corporation or sale. Every licensed warehouseman shall immediately notify the department as to any change, deliver his license and all unused warehouse receipts to the office of the department, together with a notarized statement accounting for all receipts and setting forth the arrangements made with depositors for final disposition of the grain in storage and for fulfilling the obligations of the retiring warehouseman. In the case of a successor, he shall apply for a new license and execute a successor's agreement. When there is a change of ownership or cessation of operations, the director may cause an audit and examination to be made. The cost of such audit or examination will be charged to the operator and shall be computed in accordance with subsection 3 of section 411.271.

411.691. Fee for public warehouse license, how computed.—The maximum fee for a public warehouse license shall be computed as follows, based upon the capacity of the warehouse:

Capacity in Bushels	Annual Fee
(1) Less than 100,000	\$ 100.00
(2) At least 100,000 but less than 200,000	200.00
(3) At least 200,000 but less than 300,000	300.00
(4) At least 300,000 but less than 400,000	400.00
(5) At least 400,000 but less than 500,000	500.00
(6) At least 500,000 but less than 600,000	600.00
(7) At least 600,000 but less than 700,000	700.00
(8) At least 700,000 but less than 800,000	800.00
(9) At least 800,000 but less than 900,000	900.00
(10) At least 900,000 but less than 1,000,000	1,000.00
(11) At least 1,000,000 but less than 2,000,000	1,250.00
(12) At least 2,000,000 but less than 3,000,000	1,500.00
(13) At least 3,000,000 but less than 5,000,000	1,700.00
(14) At least 5,000,000 but less than 7,000,000	1,900.00
(15) At least 7,000,000 but less than 10,000,000	2,100.00
(16) At least 10,000,000 but less than 12,000,000	2,300.00
(17) At least 12,000,000 bushels	2,300.00

plus \$150 for each additional
2,000,000 bushels of capacity or
fraction thereof.

Section 2. Operations for which a license is required.—1. No person shall (1) operate a warehouse for storage of grain for compensation, received directly or indirectly, (2) hold himself out as being in the grain storage business, or as offering storage facilities for grain, (3) advertise for, solicit or accept grain for storage, (4) carry on a grain bank operation, or receive and store grain for which a like quantity of grains is to be returned or delivered in any form to the depositor thereof, or (5) issue and use deferred pricing or deferred payment agreements, without first obtaining and keeping in force an annual license issued by the department authorizing the operation of a public grain warehouse; except that all licenses, issued prior to the effective date of this chapter by the department, shall remain valid for all purposes unless terminated, surrendered or revoked as provided in this chapter.

2. Two or more warehouses which constitute a single operating unit may be licensed under a single license if (1) the same warehouseman operates each warehouse in conjunction with the other, (2) all the warehouses are functioning under the same name and with the same personnel, scales, office, books and records, and (3) the warehouses are within a ten mile radius of each other. All warehouses licensed under a single license shall be treated as a single warehouse for all the purposes of this chapter, excepting issuance of warehouse receipts and receipt and delivery of grain.

3. A licensed warehouseman shall not store grain in any unlicensed facility.

Section 3. Procedure on receipt of grain by public warehouse.—1. At the time of delivery of grain to any public warehouse the scale ticket shall be marked to indicate whether the grain is delivered for storage, for sale or for some other purpose.

2. All grain received at a licensed warehouse for which payment is not made within 30 days shall be deemed to be storage grain within the meaning of this chapter unless the actual purchase price is fixed and properly documented at the time of delivery. Any grain which has been received at any unlicensed warehouse for which the actual sale price has not been fixed and actual payment has not been made within ten days from delivery of the grain shall be deemed to be grain held for storage within the meaning of this chapter. Grain received at any unlicensed warehouse for any purpose other than purchase by the warehouseman must either be returned to the depositor or disposed of by order of the depositor within ten days from date of actual deposit of the grain.

3. Notwithstanding any provisions of this section, a licensed warehouseman and a depositor may agree that payment or pricing of the depositor's grain be deferred to a future date. The agreement shall be in writing and shall contain a statement informing the seller that the seller is relinquishing all rights in the grain, that the warehouseman is not required to carry bond on the grain for the benefit of the seller and that the payment for the grain becomes a common claim against the warehouseman. The director may require any additional information from a warehouseman that he deems necessary to protect the interests of the seller of grain in these transactions. Grain received under a deferred payment or deferred pricing agreement under the provisions of this section shall not be deemed to be stored grain.

Section 4. Amount of bond, how computed.—1. The amount of the bond required by section 411.275 shall be based upon the licensed capacity of the warehouse and shall be based upon the following table of rates:

If the licensed capacity of the warehouse is:	The required bond is:
Not over 200,000 bushels	\$10,000 plus \$0.25 per bushel of licensed capacity
Over 200,000 but not over 1,000,000	\$60,000 plus \$0.20 per bushel of excess over 200,000 bushels of licensed capacity
Over 1,000,000 but not over 2,000,000	\$220,000 plus \$0.15 per bushel of excess over 1,000,000 bushels of licensed capacity
Over 2,000,000 but not over 3,000,000	\$370,000 plus \$0.10 per bushel of excess over 2,000,000 bushels of licensed capacity
Over 3,000,000	\$470,000 plus \$0.05 per bushel of excess over 3,000,000 bushels of licensed capacity

2. Notwithstanding subsection 1 of this section, no bond required under section 411.275 of this chapter shall exceed one million dollars; except, in the case of a deficiency in the net worth as set forth in section 411.280, the director may require additional bond as he shall deem necessary to provide security.

Section 5. Additional bond required, when—amount, how determined.—

1. The director, after a hearing held in accordance with this chapter and regulations promulgated hereunder, may make a determination that the warehouseman has failed, or is unable, to meet storage or dollar obligations, and thus an additional bond is essential to adequately protect the warehouseman's depositors. Upon such a determination, the director shall require to be filed, within a reasonable period, as determined by the director, an additional bond in such amount as the director deems to be necessary to assure protection to the warehouseman's depositors.

2. The amount of the additional bond required under this section shall not exceed the amount necessary to fulfill the storage and dollar obligation which the warehouseman has failed or is unable to meet.

Section 6. Inventory required to be maintained—documents required to establish inventory.—1. Every warehouseman shall maintain stored grain inventories of sufficient quantities, qualities and grade to meet at all times his storage obligations. Failure to maintain required inventories is a violation of this chapter.

2. Grain evidenced by outstanding and uncanceled negotiable warehouse receipts shall be maintained in the specific warehouse facility shown on the warehouse receipt issued when the grain was deposited originally. For the purposes of this chapter each

separate warehouse facility must maintain such an inventory for negotiable warehouse receipts issued by it at that location.

3. Inventories representing stored grain obligations other than those described in subsection 2 of this section shall be represented by:

- (1) Grain actually held in the warehouseman's licensed warehouse facility;
- (2) Receipts or tickets for grain stored in a licensed warehouse in Missouri;
- (3) Receipts or tickets for grain stored in a warehouse facility licensed under the United States Warehouse Act;

(4) Receipts or tickets issued by a warehouse facility located outside of the state of Missouri upon a determination by the director that such receipts or tickets are issued by a person who, due to his net worth, his having posted a cash or surety bond, which may include an irrevocable letter of credit in a form acceptable to the director, or his having otherwise satisfied the director that the integrity of the grain will be maintained, is able to protect the stored grain.

4. All stored grain shall be maintained in licensed facilities.

5. Title to any grain which is forwarded to any other warehouse for storage shall be evidence as prescribed by the director by rule.

Section 7. Insufficient inventory, procedure to correct.—1. Whenever it appears to the satisfaction of the director that a licensed warehouseman does not have in his inventory sufficient grain to cover the outstanding receipts and scale tickets issued or assumed by him, or when the warehouseman refuses to submit his records or property to lawful examination, the director may give notice to the warehouseman to comply with any of the following requirements:

(1) Cover the shortage by supplying the grain or evidence of ownership of the grain;

(2) Give additional bond as required by the director;

(3) Submit to such examination as the director may deem necessary;

(4) Immediately purchase and make actual payment for a sufficient quantity and quality of grain to fully cover the shortage. If the warehouseman fails to comply with the requirements contained in the notice within twenty-four hours from the date of its issuance, or within such further time as the director may allow, the director may petition the circuit court of the county where the warehouse is located, as shown on the license application, for an order authorizing the director or his authorized agent to seize and take possession of any grain located in the warehouse of such warehouseman, and of all pertinent records and property.

2. Upon receipt of the director's verified petition setting forth the circumstances of the warehouseman's failure to comply with this chapter and further stating reasons why immediate possession by the director or his authorized agent is necessary for the protection of depositors, warehouse receipt holders or sureties, the court shall forthwith issue an order authorizing the director or his authorized agent to take immediate possession for the purposes stated in this section. A copy of the petition and order shall be sent to the warehouseman.

3. At any time within ten days after the director or his authorized agent takes possession, the warehouseman may file with the court a response to the petition of the director stating reasons why the director or his authorized agent should not be allowed to retain possession. The court shall set the matter for hearing on a date not more than fifteen days from the date of the filing of the warehouseman's response. The order placing the director or his authorized agent in possession shall not be stayed nor set aside until such time as the court, after hearing, determines that possession should be restored to the warehouseman.

4. Upon taking possession, the director shall give written notice of his action to the surety on the bond of the warehouseman and may notify the holders of record, as shown by the warehouseman's records, of all receipts and tickets issued for grain to present their receipts or tickets for examination or to account for the same. The director may

thereupon cause an audit and other investigation to be made of the affairs of the warehouse to determine the amount of the shortage and compute the shortage as to each depositor as shown by the warehouseman's records, if practicable. The director shall notify the warehouseman and the surety on his bond of the approximate amount of the shortage and may notify each depositor thereby affected by sending notice to the depositor's last known address as shown by the records of the warehouseman.

5. The director or his authorized agent shall retain possession obtained under this section until such time as the warehouseman or the surety on the bond shall have satisfied the claims of all depositors, or until such time as the director or his authorized agent is ordered by the court to surrender possession. At no time while the director or his authorized agent is in possession of a warehouse, as authorized by this section, shall the director or his authorized agent operate, or be required to operate, the warehouse; nor will the director or his authorized agent be liable for any claims which have arisen or could arise from the non-operation of the warehouse.

6. If at any time, the director, whether or not he or his authorized agent has possession as authorized by this section, has evidence that a warehouseman is insolvent or is unable to satisfy the claims of all depositors, the director may petition the circuit court for the appointment of a receiver to operate or liquidate the business of the warehouseman in accordance with law.

7. All necessary expenses incurred by the director, his authorized agents or any receiver appointed under this section, in carrying out the provisions of this section may be recovered from the warehouseman in a separate civil action brought by the director in the circuit court or as part of the seizure or receivership action filed under this section. If the director or any of his authorized agents seize and take possession of the grain, records or property at the warehouse facility, the warehouseman shall be assessed and shall pay as part of the necessary expenses incurred a fee of fifty dollars per person for each day or part thereof that each such person performs such activities. The cost of liability insurance necessary to protect the director, the receiver and others engaged in carrying out the provisions of this section may be recovered as part of the necessary expenses.

Section 8. Grain bank grain, how treated.—Grain which is deposited in a warehouse for processing and which is commonly referred to as grain bank grain shall be considered to be storage grain. Grain bank grain shall be entered into the records of the warehouseman as a storage obligation in the same manner as other storage grain. The grain deposited for grain bank purposes may be accounted for on a separate record. Grain bank grain shall be accounted for on an individual depositor basis and shall not be shown as a total grain bank grain obligation. The records for grain bank grain shall be kept on a pounds or bushels basis for the various kinds of grain deposited. Records for grain bank grain may be kept on a monetary basis only if a check is issued or actual payment made at the time of delivery of the grain to the warehouse. If records are kept on a monetary basis, the warehouseman shall furnish written proof of payment to the director or his authorized agent upon request. The director is authorized to adopt and enforce any procedures and regulations necessary to assure the protection of grain bank obligations in the conduct of grain bank operations in warehouses.

Section 9. Procedure after license is revoked.—1. When a license is revoked, the warehouseman shall terminate, in a manner prescribed by the director, all arrangements covering the storing of grain in the warehouse covered by the license, but shall be permitted, under the supervision of the director, to deliver or purchase grain previously received.

2. In terminating arrangements regarding the storing of grain, the warehouseman shall prepare a notice, in a form approved by the director, for all depositors. The notice shall set forth the fact of termination and provide for a schedule of deliveries.

3. When a license is revoked, the director shall notify each holder of an

outstanding warehouse receipt of the revocation. The director shall further notify each receipt holder that his grain must be sold to the warehouseman or removed from the warehouse no later than the thirtieth day following the initial notice of revocation as herein set forth. The notice shall be by ordinary mail sent to the last known address of each receipt holder.

Section 10. Director may monitor operations, when—fee for monitoring.—

1. If a license is suspended, revoked or a severe shortage is known to exist and the director determines that there is serious danger of loss to depositors, the director or his authorized agents may enter the premises of the warehouseman, monitor the activities of the warehouseman and take any actions authorized by this chapter which are necessary to protect the interests of depositors of grain.

2. Whenever the director or his authorized agents monitor the operation of any warehouse, the warehouseman, upon a finding by a court of competent jurisdiction that the director had reasonable grounds to believe that this action was necessary to protect the depositors, shall pay a fee of fifty dollars per person for each day or part thereof that the director or his authorized agents monitored the operations.

Section 11. Warehouse receipt register, how maintained.—Every licensed warehouseman who issues warehouse receipts shall maintain at his place of business a warehouse receipt register containing the duplicate copy of all issued receipts, each by consecutive number. Upon cancellation of a receipt, the original shall be retained in the warehouseman's files attached to its duplicate. After cancellation neither the original nor the duplicate shall be removed from the files.

Section 12. Records required to be kept at warehouse.—1. The warehouseman shall maintain at each licensed warehouse facility current and complete records with respect to all grain delivered to, withdrawn from and received, stored or processed at that warehouse. Such records shall include but not be limited to the following:

(1) A perpetual inventory showing the total quantity of each kind and class of grain received and loaded out, the quantity of each kind and class of grain remaining in the warehouse and the total storage obligations for each kind and class of grain. This record shall be kept current as of the close of each business day; except that, if no transaction takes place during a business day, a record showing the actual status as to quantity and storage obligations at the close of the next preceding business day during which recordable transactions occurred shall be deemed to be current;

(2) A current copy of the periodic insurance report submitted to the insurer.

2. In addition to the records required by section 11 and subsection 1 of this section, the warehouseman shall maintain such adequate financial records as will clearly reflect his current financial position and will clearly support any financial information required to be submitted to the director from time to time.

3. All books, records and accounts of warehousemen shall be kept and held available for examination for a period of not less than three years after the close of the period for which such book or record was required; except that, cancelled or voided warehouse receipts and the warehouse receipt register required by section 11 shall be kept and held available for examination for a period of not less than six years from the date of cancellation or voiding of receipts or, in the case of the register, from the last date upon which a receipt referred to therein shall have been cancelled or voided.

4. A warehouseman licensed or required to be licensed under this chapter shall keep available for examination all books, records and accounts required by this chapter and any other books, records and accounts relevant to his operating a public grain warehouse. An examination may be performed by the director or a warehouse auditor, and may take place at any time during the normal business hours of the warehouseman or, if prior notice of the examination is given to the warehouseman, at such time as is prescribed in that notice.

5. Any warehouseman licensed or required to be licensed under this chapter, or

any officer, agent or servant of such warehouseman, who keeps or files with the director false records or accounts, or who alters records or accounts in order to conceal outstanding storage obligations or actual amounts of grain received for storage or to mislead department warehouse auditors or officials, is guilty of a felony and, upon conviction, shall be punished for each offense by a fine of not less than five thousand dollars nor more than fifty thousand dollars or by imprisonment by the division of corrections for not less than two years nor more than five years.

Section 13. Scale tickets, when required, contents of.—A scale ticket shall be made out and filed for each movement of grain in or out of licensed public grain warehouses. All scale tickets shall be in a form approved by the director and kept and maintained in a manner approved by the director. Scale tickets specified in this section shall only be used for the recording of grain transactions. Any scale ticket used in pricing grain for the purpose of sale to the warehouseman shall have the price shown on all copies of the ticket. Grain scale tickets shall not be used for the purpose of custom weighing.

Section 14. Safe working conditions to be maintained.—It is the responsibility of any person licensed under this chapter, and any person requesting services of any employee of the department, to provide at all times safe working conditions while the employee is performing requested or required duties as an employee of the department.

Section 15. Failure to pay fees, effect of.—Failure to pay any fees authorized by this chapter within forty-five days of assessment shall be grounds for the suspension, revocation or refusal to renew any license issued under sections 411.010 to 411.701.

Section 16. Remedies provided are in addition to and not exclusive.—Any remedy provided by this chapter shall not be deemed to preclude any other remedy provided for by common law or under any other statutes.

Approved June 8, 1977.

[S. S. B. 48]

CONTRACTS AND CONTRACTUAL RELATIONS: Age of consent for certain medical, surgical or other treatment and procedures.

AN ACT to repeal section 431.065, RSMo 1969 and sections 431.061, 431.063 and 431.064, RSMo Supp. 1975, relating to the age for consenting to certain medical, surgical or other treatment and procedures, and to enact in lieu thereof three new sections relating to the same subject.

SECTION

1. Enacting clause.
- 431.061. Consent to surgical or medical treatment, who may give, when.

SECTION

- 431.063. Implied consent, when valid—lack of consent, when excused—emergency defined.
- 431.065. Minor spouse or parent may give consent, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 431.065, RSMo 1969 and sections 431.061, 431.063 and 431.064, RSMo Supp. 1975 are repealed and three new sections enacted in lieu thereof, to be known as sections 431.061, 431.063 and 431.065, to read as follows:

431.061. Consent to surgical or medical treatment, who may give, when.—

1. In addition to such other persons as may be so authorized and empowered, anyone of the following persons if otherwise competent to contract, is authorized and empowered to consent, either orally or otherwise, to any surgical, medical, or other treatment or procedures not prohibited by law:

- (1) Any adult eighteen years of age or older for himself;

- (2) Any parent for his minor child in his legal custody;
- (3) Any minor who has been lawfully married and any minor parent or legal custodian of a child for himself, his child and any child in his legal custody;
- (4) Any minor for himself in case of:
 - (a) Pregnancy, but excluding abortions;
 - (b) Venereal disease;
 - (c) Drug or substance abuse including those referred to in chapter 195, RSMo;
- (5) Any adult standing in loco parentis, whether serving formally or not, for his minor charge in case of emergency as defined in section 431.063;
- (6) Any guardian of the person for his ward;
- (7) During the absence of a parent so authorized and empowered, any adult for his minor brother or sister;
- (8) During the absence of a parent so authorized and empowered, any grandparent for his minor grandchild;
- (9) "Absence" as used in (7) and (8) above shall mean absent at a time when further delay occasioned by an attempt to obtain a consent may jeopardize the life, health or limb of the person affected, or may result in disfigurement or impairment of faculties.

2. For purposes of consent to hospitalization or medical, surgical or other treatment or procedures, a minor shall be defined as any person under eighteen years of age and an adult shall be defined as any person eighteen years of age or older.

3. The provisions of sections 431.061 and 431.063 shall be liberally construed, and all relationships set forth in subsection 1 of this section shall include the adoptive and step-relationship as well as the natural relationship and the relationship by the half blood as well as by the whole blood.

4. A consent by one person so authorized and empowered shall be sufficient notwithstanding that there are other persons so authorized and empowered or that such other persons shall refuse or decline to consent or shall protest against the proposed surgical, medical or other treatment or procedures.

5. Any person acting in good faith and not having been put on notice to the contrary shall be justified in relying on the representations of any person purporting to give such consent, including, but not limited to, his identity, his age, his marital status, and his relationship to any other person for whom the consent is purportedly given.

431.063. Implied consent, when valid—lack of consent, when excused—emergency defined.—In addition to any other instances in which a lack of consent is excused or in which a consent is implied at law, a consent to surgical or medical treatment or procedures shall be implied where an emergency exists if there has been no protest or refusal of consent by a person authorized and empowered to consent, or, if so, there has been a subsequent change in the condition of the person affected that is material and morbid, and there is no one immediately available who is authorized, empowered, willing and capacitated to consent. For the purposes hereof, an emergency is defined as a situation wherein, in competent medical judgment, the proposed surgical or medical treatment or procedures are immediately or imminently necessary and any delay occasioned by an attempt to obtain a consent would reasonably jeopardize the life, health or limb of the person affected, or would reasonably result in disfigurement or impairment of faculties.

431.065. Minor spouse or parent may give consent, when.—Any minor who has been lawfully married and any minor parent or legal custodian of a child, if otherwise competent to contract, shall be considered an adult for the purpose of entering into a contract for surgical, medical, or other treatment or procedures for himself, his spouse, his child and any child in his legal custody.

Approved July 27, 1977.

[H. B. 470]

DOMESTIC RELATIONS: Notice in action for dissolution of marriage.

AN ACT to repeal section 452.320, RSMo Supp. 1975, relating to notice in action for dissolution of marriage, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

- 452.320. Finding that marriage is irretrievably broken, when—notice—denial by a party, effect of—alternate findings.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 452.320, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 452.320, to read as follows:

452.320. Finding that marriage is irretrievably broken, when—notice—denial by a party, effect of—alternate findings.—1. If both of the parties by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken, or one of the parties has so stated and the other has not denied it, the court, after considering the aforesaid petition or statement, and after a hearing thereon shall make a finding whether or not the marriage is irretrievably broken and shall enter an order of dissolution or dismissal accordingly.

2. If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to the filing of the petition and the prospect of reconciliation, and after hearing the evidence shall

(1) Make a finding whether or not the marriage is irretrievably broken, and in order for the court to find that the marriage is irretrievably broken, the petitioner shall satisfy the court of one or more of the following facts:

(a) That the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;

(b) That the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;

(c) That the respondent has abandoned the petitioner for a continuous period of at least six months preceding the presentation of the petition;

(d) That the parties to the marriage have lived separate and apart by mutual consent for a continuous period of twelve months immediately preceding the filing of the petition;

(e) That the parties to the marriage have lived separate and apart for a continuous period of at least twenty-four months preceding the filing of the petition; or

(2) Continue the matter for further hearing not less than thirty days or more than six months later, or as soon thereafter as the matter may be reached on the court's calendar, and may suggest to the parties that they seek counseling. No court shall require counseling as a condition precedent to a decree, nor shall any employee of any court, or of the state or any political subdivision of the state, be utilized as a marriage counselor. At the adjourned hearing, the court shall make a finding whether the marriage is irretrievably broken as set forth in subdivision (1) above and shall enter an order of dissolution or dismissal accordingly.

Approved June 8, 1977.

[S. B. 430]

DOMESTIC RELATIONS: Granting of certain visitation rights.

AN ACT to repeal section 452.400, RSMo Supp. 1975, relating to the granting of certain

visitation rights, and to enact in lieu thereof two new sections relating to the same subject.

SECTION

1. Enacting clause.
- 452.400. Visitation rights—modification of, when—visitation rights to grandparents, authorized.

SECTION

2. Grandparent's visitation rights when one parent deceased—how adjudicated, procedure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 452.400, RSMo Supp. 1975, is repealed and two new sections enacted in lieu thereof, to be known as section 452.400 and section 2, to read as follows:

452.400. Visitation rights—modification of, when—visitation rights to grandparents, authorized.—1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his emotional development.

2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his emotional development.

3. The court may grant reasonable visitation rights to either the maternal or paternal grandparents of the child and issue any necessary orders to enforce the decree.

Section 2. Grandparent's visitation rights when one parent deceased—how adjudicated, procedure.—Whenever one parent of a child is deceased and the surviving parent denies reasonable visitation rights to a maternal or paternal grandparent of the child, the grandparent may petition the juvenile court of the county where the child resides to inquire into the refusal of the surviving parent to allow reasonable visitation. The court shall take jurisdiction over the child and hold a hearing under the same procedure as a hearing under chapter 211, RSMo, to determine if the visitation by the grandparent would be in the child's best interests or if it would endanger the child's physical health or impair his emotional development. At the conclusion of the hearing, the juvenile court may grant or deny reasonable visitation rights to the grandparent and issue any necessary orders to enforce the decree.

Approved June 1, 1977.

[H. C. S. S. B. 142 and 434]

TRUSTS AND ESTATES OF DECEDENTS AND PERSONS UNDER DISABILITY: Guardian in control of funds of a minor.

AN ACT to repeal sections 475.330, 507.150 and 507.188, RSMo 1969, relating to the use of a guardian in the control of certain funds of a minor and to enact in lieu thereof three new sections relating to the same subject.

SECTION

1. Enacting clause.
- 475.330. Guardianship dispensed with, when.
- 507.150. Bond of person acting for infant, when—effect of failure to give.

SECTION

- 507.188. Disposition of proceeds of claim—discharge of next friend or guardian ad litem.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 475.330, 507.150 and 507.188, RSMo 1969, are repealed and three new sections enacted in lieu thereof, to be known as sections 475.330, 507.150 and 507.188, to read as follows:

475.330. Guardianship dispensed with, when.—1. When the whole estate of a

minor does not exceed the value of five thousand dollars, the court may, in its discretion, without the appointment of a guardian or the giving of bond, authorize:

(1) The deposit thereof in a depository authorized to receive fiduciary funds, payable to the guardian of the estate when appointed or to the minor upon his attaining the age of majority; or

(2) If the assets do not consist of money, the delivery thereof to a suitable person designated by the court, deliverable to the guardian of the estate when appointed or to the minor upon his attaining the age of majority; or

(3) The payment or delivery thereof to the parent of the minor, or to the person having the care or custody of the minor or to the minor himself.

The person receiving such money or other assets shall hold and dispose of the same in the manner directed by the court.

2. When the whole estate of a person over the age of twenty-one who has been adjudicated incompetent does not exceed the value of five thousand dollars, the court may, in its discretion, without the appointment of a guardian or the giving of bond, authorize the deposit thereof in a depository authorized to receive fiduciary funds in the name of a suitable person designated by the court, or if the assets do not consist of money, authorize the delivery thereof to a suitable person designated by the court. The person receiving such money or other assets shall hold and dispose of the same in such manner as the court directs.

3. The person or officer making payment, delivery, transfer or issuance of personal property or evidence thereof to the person designated by the court under this section is discharged and released to the same extent as if such payment, delivery, transfer or issuance was made to a guardian of the minor or incompetent, and he is not required to see to the application thereof, except that a person or officer making payment, delivery, transfer or issuance of money or personal property, or evidence thereof, to a next friend or guardian ad litem may be discharged and released as provided for in section 507.184, RSMo.

507.150. Bond of person acting for infant, when—effect of failure to give.—

1. Before a next friend or guardian ad litem can receive or receipt for any money or property, personal or real, and before he can acknowledge satisfaction or discharge of any judgment, he must execute a bond to such infant; except, that no bond shall be required if the total value of the property or money, exclusive of expenses and fees approved by the court, is not in excess of five thousand dollars and all of the money or property is to be turned over to the infant or his parent. The bond must be approved by the court or the clerk thereof and shall be conditioned that the next friend or guardian ad litem shall account to the infant for all money or property which has or does come into his hands, less only those expenses and attorney fees the payment of which has been approved by order of the court. The bond shall be in an amount equal to the value of the money or property if the surety is a corporate bonding, surety or insurance company, and in an amount double the value of the money or property if the surety is not a corporate bonding, surety or insurance company, in which event there shall be two sureties. In either event, the surety or sureties shall be approved by the court or clerk thereof before the bond can be approved.

2. Failure to execute such approved bond with approved surety or sureties when required under the provisions of subsection 1 shall, upon receipt by a next friend or guardian ad litem of any money or property for or on behalf of such minor, immediately render such next friend or guardian ad litem personally liable to the minor for a penal sum in an amount double the value of the money or property and also shall render absolutely void and of no effect any release, receipt or acknowledgment of satisfaction or discharge of any judgment which has or is in the future made or executed by the next friend or guardian ad litem.

3. The next friend's duties or guardian ad litem's duties and his obligations under the bond shall continue until he is discharged therefrom by order of the court.

507.188. Disposition of proceeds of claim—discharge of next friend or guardian ad litem.—1. If, after paying the attorney fee and the expenses, the next friend or guardian ad litem has in his hands money or property of the minor in an amount equal to or less than five thousand dollars, then the court may, if in its discretion it finds it to be to the best interests of said minor to do so, order said next friend or guardian ad litem to pay or transfer all or any part of said money or property directly to said minor or one or both of the minor's natural or adoptive parents. In the event of such order and payment or transfer, the next friend or guardian ad litem shall file with the court or the clerk thereof a receipt from the person to whom said payment or transfer was made evidencing such payment. After such receipt has been filed and accepted by the court or clerk thereof as authentic, then the court or clerk thereof may order the next friend or guardian ad litem discharged and released from all of his duties and obligations and from his bond. In the event such payment or transfer is to the minor, then the minor's signature upon the receipt shall be unavoidable, irrevocable and forever binding upon said minor.

2. If, after paying the attorney fee and the expenses, the next friend or guardian ad litem has in his hands money or property of the minor in an amount in excess of five thousand dollars, then the court shall order the next friend or guardian ad litem to pay or transfer said money or property to a duly appointed and qualified guardian and curator of the minor. Upon such payment or transfer the next friend or guardian ad litem shall file with the court or the clerk thereof a receipt from such guardian and curator to whom such payment or transfer was made, evidencing such payment, with a certified copy of such guardian and curator's letters attached to said receipt. After such receipt has been filed and accepted by the court as authentic, then the court shall order the next friend or guardian ad litem discharged and released from all of his duties and obligations and from his bond.

Approved June 15, 1977.

[H. B. 462]

COURTS: Recovery for public assistance upon death of recipient.

AN ACT to provide for the recovery for public assistance upon death of the recipient.

SECTION

1. Recovery of public aid funds from recipients estate authorized.
2. Procedure for claims.

SECTION

3. Claim not to be filed, when.
4. Act not to apply, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Recovery of public aid funds from recipients estate authorized.—

Upon the death of a person, who has been a recipient of aid, assistance, care, services, or who has had moneys expended on their behalf by the division of family services or the division of health of the department of social services or the department of mental health or by a county court, the total amount paid to the decedent or expended upon his behalf after January 1, 1978, shall be a debt due the state or county, as the case may be, from the estate of the decedent. The debt shall be collected as provided by the probate code of Missouri, chapter 472, 473, 474 and 475, RSMo.

Section 2. Procedure for claims.—Procedures for the allowance of such claims shall be in accordance with chapter 473 and such claims shall be allowed as a claim of the fifth class under subdivison (5) of section 473.397, RSMo.

Section 3. Claim not to be filed, when.—Such claim shall not be filed or allowed if it is determined that:

- (1) The cost of collection will exceed the amount of the claim;
- (2) The collection of the claim will adversely affect the need of the surviving

spouse, or dependents of the decedent to reasonable care and support from the estate.

Section 4. Act not to apply, when.—The provisions of this act shall not apply to any claims, adjustments or recoveries specifically prohibited by federal statutes or regulations duly promulgated thereunder. Further, the federal government shall receive from the amount recovered any portion to which it is entitled.

Approved July 27, 1977.

[H. B. 289]

COURTS: Judicial Conference of the State of Missouri.

AN ACT to repeal section 476.380, RSMo 1969, and sections 476.320 and 476.340, RSMo Supp. 1975, relating to the judicial conference of the state of Missouri, and to enact in lieu thereof three new sections relating to the same subject.

SECTION

1. Enacting clause.
476.320. Judicial Conference of the State of Missouri established, members.

SECTION

476.340. Executive council shall be governing body, how formed.
476.380. Expense allowance for conference attendance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 476.380, RSMo 1969, and sections 476.320 and 476.340, RSMo Supp. 1975, are repealed and three new sections enacted in lieu thereof, to be known as sections 476.320, 476.340, and 476.380, to read as follows:

476.320. Judicial Conference of the State of Missouri established, members.—There is hereby established "The Judicial Conference of the State of Missouri". The conference shall consist of the judges and commissioners of the supreme court and of the court of appeals, the circuit judges, judges of the St. Louis court of criminal correction, judges of courts of common pleas, probate judges and magistrate judges and all retired judges and commissioners. The chief justice of the supreme court, or in his absence the vice president elected by the executive council, shall be the presiding officer.

476.340. Executive council shall be governing body, how formed.—1. The governing body of the conference, between annual sessions, shall be the executive council. The executive council shall consist of the following members:

(1) The chief justice of the supreme court, or some member of the supreme court appointed by him;

(2) The presiding judge of each division of the supreme court, or some member of the division appointed by the presiding judge;

(3) One member of each district of the court of appeals elected biennially by the judges thereof, respectively;

(4) Nine circuit judges, three of whom shall be elected for three-year terms, one from each district of the court of appeals, by the circuit judges of the district to represent each of the districts of the court of appeals, respectively; provided, that a judge whose circuit is in part in more than one district of the court of appeals may vote in and be elected to represent either district but not both. Six of the circuit judges on the council shall be elected for three-year terms by the circuit judges of the state: except that, of the six circuit judges first elected after the effective date of this act, two shall be elected for a one-year term, two shall be elected for a two-year term and two shall be elected for a three-year term. The supreme court shall designate which candidate shall run for the respective terms and shall establish procedures for the nomination and election of the judges to be elected to membership on the executive council;

(5) One probate judge elected for a three-year term by the probate judges of the state;

(6) One magistrate judge elected for a three-year term by the magistrate judges of the state; and

(7) One probate ex officio magistrate elected for a three-year term by the probate ex officio magistrates of the state;

(8) One retired judge or commissioner to a three-year term by the retired judges and commissioners.

2. The executive council shall have general supervision of the work of the conference and such other duties and authority as may be given to it under rules or resolutions adopted by the conference. The members of the executive council shall elect one of its members vice president to act in the absence of the chief justice.

476.380. Expense allowance for conference attendance.—Each judge attending the annual meeting of the conference, and each member of the executive council attending meetings of the council, shall receive his actual expenses of travel and his necessary expense for subsistence not to exceed twenty-five dollars per day, to be paid from the state treasury on order of the presiding officer certified to the commissioner of administration.

Approved June 1, 1977.

[S. B. 364]

COURTS: Judicial retirement.

AN ACT to repeal section 476.515, RSMo Supp. 1975, relating to the definitions of terms used in sections 476.515 to 476.570 relating to judicial retirement, and to enact in lieu thereof three new sections relating to the appointment of a probate commissioner in certain first class charter counties and his inclusion in the retirement system.

SECTION

1. Enacting clause.
- 476.515. Definitions.
- 481.116. Probate court commissioner authorized, compensation, term—commissioner's orders, rejection or confirmation of. (Jackson County)

SECTION

- 481.117. Probate court commissioner authorized, compensation, term—commissioner's orders, rejection or confirmation of. (St. Louis County)

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 476.515, RSMo Supp. 1975 is repealed and three new sections enacted, to be known as sections 476.515, 481.116 and 481.117, to read as follows:

476.515. Definitions.—As used in sections 476.515 to 476.570, unless the context clearly indicates otherwise, the following terms mean:

(1) "Beneficiary", an unremarried surviving spouse married to the deceased judge continuously for a period of at least two years immediately preceding his death and also on the day of the last termination of his employment as a judge, or if there is no surviving spouse eligible to receive benefits under sections 476.515 to 476.570, the term "beneficiary" shall mean any unemancipated minor child of the deceased judge, who shall share in the benefits on an equal basis with all other beneficiaries;

(2) "Benefit", a series of equal monthly payments payable during the life of a judge retiring under the provisions of sections 476.515 to 476.570 or payable to a beneficiary as provided in sections 476.515 to 476.570; all benefits paid under sections 476.515 to 476.570 in excess of any contributions made to the system by a judge shall be considered to be a part of the compensation provided a judge for his services;

(3) "Commissioner of administration", the commissioner of administration of the state of Missouri;

(4) "Judge", any person who has served or is serving as a judge or commissioner of

the supreme court or of the court of appeals, or as a judge of any circuit court, probate court, magistrate court, court of common pleas or court of criminal corrections of this state, justice of the peace or as commissioner of the probate division of the circuit court appointed after January 1, 1979, in a county of the first class having a charter form of government;

(5) "Salary", the total compensation paid for personal services as a judge by the state or any of its political subdivisions.

481.116. Probate court commissioner authorized, compensation, term—commissioner's orders, rejection or confirmation of. (Jackson County)—Notwithstanding the provisions of section 481.115, on and after January 2, 1979, in each county of the first class having a charter form of government and containing all or part of a city having a population of at least four hundred fifty thousand or more a majority of the circuit court judges, meeting en banc, may appoint one person, who shall possess the same qualifications as a circuit judge, to act as commissioner of the probate division of the circuit court. The commissioner shall be appointed for a term of four years. The compensation of the commissioner shall be the same as that of a circuit court judge, payable in the same manner and from the same source as the compensation of the judge of the probate division of the circuit court. Subject to approval or rejection by the judge of the probate division, the commissioner shall have all the powers and duties of the judge. The judge shall by order of record reject or confirm all orders, judgments and decrees of the commissioner within the time the judge could set aside such orders, judgments or decrees had the same been made by him. If so confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge on the date of its confirmation.

481.117. Probate court commissioner authorized, compensation, term—commissioner's orders, rejection or confirmation of. (St. Louis County)—Notwithstanding the provisions of section 481.115, on and after January 2, 1979, in each county of the first class having a charter form of government and not containing all or part of a city having a population of at least four hundred fifty thousand or more, the judge of the probate division of the circuit court may appoint one person, who shall possess the same qualifications as a circuit judge, to act as commissioner of the probate division of the circuit court. The commissioner shall be appointed for a term of four years. The compensation of the commissioner shall be determined by the judge of the probate division of the circuit court, not to exceed the compensation of a circuit court judge, payable in the same manner and from the same source as the compensation of the judge of the probate division of the circuit court. Subject to approval or rejection by the judge of the probate division, the commissioner shall have all the powers and duties of the judge. The judge shall by order of record reject or confirm all orders, judgments and decrees of the commissioner within the time the judge could set aside such orders, judgments or decrees had the same been made by him. If so confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge on the date of their confirmation.

Approved July 11, 1977.

[S. B. 94]

COURTS: Health insurance for judges, retired judges and commissioners.

AN ACT to repeal sections 476.575 and 476.590, RSMo Supp. 1976, relating to health insurance for certain judges and retired judges and commissioners and to enact in lieu thereof two new sections relating to the same subject matter.

SECTION

1. Enacting clause.
- 476.575. Definitions.

SECTION

- 576.590. Insurance benefits to be provided judges, retired judges and dependents.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 476.575 and section 476.590, RSMo Supp. 1976 is repealed and two new sections enacted in lieu thereof, to be known as sections 476.575 and 476.590, to read as follows:

476.575. Definitions.—As used in sections 476.575, 476.580, 476.585, 476.590, and 476.595 of this act, the following terms shall mean:

(1) "Board", the Board of Trustees of the Missouri state employees' retirement system.

(2) "Judge", a judge of the Supreme court, judge of the Appeals, Circuit Court, the St. Louis Court of Criminal Corrections, Court of Common Pleas, Magistrate Court, Probate Court, and Commissioner of the Supreme court, and all retired judges and commissioners of such courts.

576.590. Insurance benefits to be provided judges, retired judges and dependents.—1. The board shall provide or contract for insurance benefits to cover hospital, surgical and medical expenses under the provisions of section 104.515, RSMo, for judges and their spouses and unemancipated children who have not attained twenty-one years of age. For purposes of section 104.515, RSMo, judges and retired judges and commissioners, entitled to retirement benefits under the provisions of chapter 476 RSMo, shall be considered members of the Missouri state employees' retirement system.

2. The board shall provide or contract for life insurance benefits under the provisions of section 104.515, RSMo, for judges who, for the purpose of that section, shall be considered members of the Missouri state employees' retirement system with the amount of life insurance benefits based on the creditable service of the judges as provided in section 104.515, RSMo.

Approved July 27, 1977.

[H. S. H. B. 521]

COURTS: Compensation of judicial personnel.

AN ACT to repeal sections 477.130, 478.013, RSMo Supp. 1975 and 479.060, 481.205 and 482.150, RSMo Supp. 1976, relating to compensation of judicial personnel and to enact in lieu thereof six new sections relating to the same subject, with an effective date.

SECTION

1. Enacting clause.
- 477.130. Compensation of judges—practice of or doing law business prohibited.
- 478.013. Salaries of circuit judges—practice of or doing law business prohibited.

SECTION

- 479.060. Compensation of judges.
- 481.205. Probate judges, compensation—ex-officio magistrate, when.
- 482.150. Salaries of magistrates.
2. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 477.130, 478.013, RSMo Supp. 1975 and 479.060, 481.205 and 482.150, RSMo Supp. 1976, are hereby repealed and six new sections enacted in lieu thereof to read as follows:

477.130. Compensation of judges—practice of or doing law business prohibited.—1. Each judge of the supreme court of Missouri shall receive an annual salary of fifty thousand dollars and each judge of the court of appeals shall receive an annual salary of forty-seven thousand five hundred dollars, and, in addition thereto, each of the judges, when temporarily serving, transferred or assigned as a judge of another court than the one to which he was appointed or elected, shall be reimbursed for

his actual and necessary travel and other expenses incurred in the performance of such temporary duty. The chief justice of the supreme court shall receive as additional compensation the amount of two thousand five hundred dollars per year.

2. The salaries and expenses shall be paid out of the state treasury, the salaries to be paid in monthly installments on the first day of each month, and the salaries and expenses shall constitute the total compensation for all duties performed by, and all expenses of, the judges, and there shall be no further payment made to or accepted by them for the performance of any duties required to be performed by them as judges under the law.

3. The judges shall not practice law or do law business nor shall they accept, during their terms of office, any public appointment or employment for which they receive compensation for their services.

4. The expenses herein provided for shall be paid out of the state treasury upon the certification by the judges so transferred or assigned.

478.013. Salaries of circuit judges—practice of or doing law business prohibited.—1. Each judge of the circuit court shall receive an annual salary of forty-five thousand dollars, all of which shall be paid by the state out of the state treasury.

2. No circuit judge shall practice law or do a law business nor shall he accept, during his term of office, any public appointment or employment for which he receives compensation for his services.

479.060. Compensation of judges.—Each judge of the St. Louis court of criminal correction shall receive an annual salary of forty-five thousand dollars, twenty thousand two hundred and fifty dollars of which shall be paid semi-monthly by the city of St. Louis and twenty-four thousand seven hundred and fifty dollars of which shall be paid by the state out of the state treasury.

481.205. Probate judges, compensation—ex-officio magistrate, when.—Each probate judge shall receive for his services an annual compensation payable in equal monthly installments as follows:

(1) In counties having a population of thirty thousand or less, the sum of twenty-seven thousand dollars except that in all counties wherein there is a court of common pleas with original exclusive, criminal and civil jurisdiction or wherein the probate court has two offices, the officer acting as probate judge and magistrate shall receive the sum of twenty-five thousand dollars. Probate judges in such counties shall serve as ex-officio magistrates, but shall receive no additional compensation for such service. The salary of such probate ex officio magistrates shall be paid out of the state treasury;

(2) In counties having a population of more than thirty thousand, but less than sixty-five thousand, the sum of twenty-seven thousand eight hundred dollars;

(3) In counties having a population of sixty-five thousand or more and in the city of St. Louis, a sum equal to the salary of a judge of the circuit court in that county or city.

482.150. Salaries of magistrates.—The salaries of all magistrates shall be paid by the state, except that the state shall not pay the salaries of additional magistrates whose offices are created by order of the circuit court as provided for in article V, section 18, of the constitution; but the districts assigned to the additional magistrates shall be designated as "additional magistrate districts" and the salaries of such magistrates shall be paid by the county. The annual salaries of magistrates payable in equal monthly installments shall be as follows:

(1) In all counties having a population of less than thirty thousand inhabitants, the probate judge shall serve as ex officio magistrate and shall receive the compensation provided by law for such probate judges. No additional compensation shall be paid for his service as ex officio magistrate;

(2) In all counties having a population of more than thirty thousand but less than sixty-five thousand, except in any county of the second class the sum of twenty-seven thousand nine hundred dollars;

(3) In all counties of the second class and in all counties having a population of more than sixty-five thousand but less than four hundred thousand inhabitants, except in any county of the first class, the sum of thirty-two thousand nine hundred dollars;

(4) In all counties of the first class, and in all cities of more than six hundred thousand, the sum of thirty-three thousand dollars.

Section 2. Effective date.—The salary increases provided in sections 477.130, 478.013, 479.060, 481.205 and 482.150 of this Act shall become effective on January 1, 1978.

Approved June 1, 1977.

[S. B. 373]

COURTS: Judges of the St. Louis District Court of Appeals.

AN ACT to amend chapter 477, RSMo relating to the supreme court and court of appeals by adding one new section increasing the number of judges of the St. Louis district of the court of appeals.

SECTION

1. Amending clause.

SECTION

477.159. Additional judges, Court of Appeals, St. Louis District.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Amending clause.—Chapter 477, RSMo, is amended by adding one new section to be known as section 477.159, to read as follows:

477.159. Additional judges, Court of Appeals, St. Louis District.—1. On September 28, 1977, the St. Louis district of the court of appeals shall be increased by two judges.

2. The judges appointed pursuant to the provisions of this section shall be in addition to any other judges appointed to any district of the court of appeals under the provisions of section 477.152 or the provisions of any other law.

Approved July 18, 1977.

[S. B. 252]

COURTS: Circuit courts.

AN ACT to repeal section 478.463, RSMo 1969, relating to circuit courts, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

478.463. Circuit Court of Jackson County—divisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 478.463, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 478.463, to read as follows:

478.463. Circuit Court of Jackson County—divisions.—The circuit court of the county of Jackson, comprising circuit number sixteen, shall be composed of eighteen divisions and a judge shall be selected to preside over each division. Divisions one, two, three, four, six, seven, eight, nine, ten, eleven, thirteen, fourteen, fifteen and eighteen shall sit at the City of Kansas City and divisions five, twelve, sixteen and seventeen shall sit at the City of Independence.

Approved July 11, 1977.

[S. B. 489]

COURTS: Compensation of judicial personnel.

AN ACT to repeal section 481.205 of House Bill No. 521 of the 79th general assembly, relating to the compensation of certain judicial personnel, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SECTION

1. Enacting clause.
481.205. Compensation of probate judges.

SECTION

2. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 481.205 of House Bill No. 521 of the 79th general assembly is hereby repealed, and one new section is enacted in lieu thereof, to be known as section 481.205, to read as follows:

481.205. Compensation of probate judges.—Each probate judge shall receive for his services an annual compensation payable in equal monthly installments as follows:

(1) In counties having a population of thirty thousand or less, the sum of twenty-seven thousand dollars. Probate judges in such counties shall serve as ex officio magistrates, but shall receive no additional compensation for such service. The salary of such probate ex officio magistrates shall be paid out of the state treasury;

(2) In counties having a population of more than thirty thousand, but less than sixty-five thousand, the sum of twenty-seven thousand eight hundred dollars;

(3) In counties having a population of sixty-five thousand or more and in the city of St. Louis, a sum equal to the salary of a judge of the circuit court in that county or city.

Section 2. Effective date.—This act shall become effective on January 1, 1978.

Approved July 27, 1977.

[H. C. S. H. B. 180]

COURTS: Investment of funds placed in the registry of certain courts.

AN ACT to repeal section 483.310, RSMo Supp. 1975, relating to the investment of funds placed in the registry of certain courts and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

- 483.310. Investment of registry funds—
income, how used.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 483.310, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 483.310, to read as follows:

483.310. Investment of registry funds—income, how used.—1. Whenever any funds are paid into the registry of any circuit court, court of common pleas or magistrate court and the court determines, upon its own finding or after application by one of the parties, that such funds can be reasonably expected to remain on deposit for a period sufficient to provide income through investment, the court may make an order directing the clerk to deposit such funds as are described in the order in savings deposits in banks, savings and loan associations, or in United States treasury bills. Deposits of such funds in any bank or savings and loan association shall not exceed the limits of the federal deposit insurance on accounts in such institution. All such accounts shall be in the name of the "Clerk of the as Trustee in (Style and Cause Number)," the exact name to be prescribed in the court's order. The court may prescribe a bond or other guarantee for the security of the fund. Necessary costs,

including reasonable costs for administering the investment, may be paid from the income received from the investment of the trust fund. The net income so derived shall be added to and become a part of the principal.

2. In the absence of such an application by one of the parties within sixty days from the payment of such funds into the registry of the court, the clerk of the court may invest funds placed in the registry of the court in savings deposits in banks or savings and loan associations carrying federal deposit insurance to the extent of the insurance or in United States treasury bills and the income derived therefrom shall be used by the clerk for paying the premiums on bonds of employees of the clerk, rent on safety deposit boxes, printing of pamphlets or booklets of the rules adopted by the court, clerk and forms used in the court which comply with the statutes of the state of Missouri and the rules of the Supreme Court, copies of which shall be distributed to litigants and members of the bar practicing in the court, and the balance, if any, shall be paid into the general revenue fund of the county. Provided, however, that if any application for the investment of such funds is filed by one of the parties after sixty days, an order may be entered providing for investment of funds as provided in subsection 1, and the clerk shall thereupon reinvest such funds within a reasonable time thereafter in accordance with the order.

Approved June 8, 1977.

[S. B. 120]

COURTS: Salaries of magistrate court clerks, deputy clerks and employees.

AN ACT to repeal section 483.490, RSMo Supp. 1975, relating to the salaries of clerks, deputy clerks and employees of magistrate courts to be paid by the state, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

483.490. Salaries of clerks and deputy clerks to be paid by state—exceptions—salaries, how determined.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 483.490, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 483.490, to read as follows:

483.490. Salaries of clerks and deputy clerks to be paid by state—exceptions—salaries, how determined.—1. Salaries of clerks, deputy clerks and employees provided for in section 483.485 shall be paid by the state within the limits herein provided upon requisition filed by the judges of the magistrate courts; except that the salaries of clerks, deputy clerks and employees of additional magistrates whose offices are created by order of the circuit court as provided in section 482.010, RSMo, shall be paid by the county as the salaries of such magistrates are required to be paid. The total amount that may be paid by the state in any one year for such clerks, deputy clerks and employees of the magistrate courts in the different counties shall not exceed the following sums:

(1) In all counties now or hereafter having a population of ten thousand seven hundred and fifty inhabitants or less, with an assessed valuation of eleven million dollars or less, the sum of ten thousand five hundred dollars;

(2) In all counties now or hereafter having a population of more than ten thousand seven hundred and fifty inhabitants but not more than fifteen thousand inhabitants, with an assessed valuation of eleven million dollars or less, the sum of ten thousand five hundred dollars;

(3) In all counties now or hereafter having a population of ten thousand seven

hundred and fifty inhabitants or less, with an assessed valuation of over eleven million dollars, the sum of ten thousand five hundred dollars;

(4) In all counties now or hereafter having a population of more than ten thousand seven hundred and fifty inhabitants but not more than fifteen thousand inhabitants, with an assessed valuation of more than eleven million dollars, the sum of ten thousand eight hundred dollars;

(5) In all counties now or hereafter having a population of more than fifteen thousand inhabitants but not more than thirty thousand inhabitants, with an assessed valuation of twenty-four million dollars or less, the sum of eleven thousand seven hundred dollars;

(6) In all counties now or hereafter having a population of more than fifteen thousand inhabitants but not more than thirty thousand inhabitants, with an assessed valuation of more than twenty-four million dollars, the sum of eleven thousand nine hundred dollars; provided, that in all such counties in which the probate court is required by law to be held in more than one place such salaries shall not exceed the sum of twenty-one thousand eight hundred dollars;

(7) In all counties now or hereafter having a population of more than fifteen thousand inhabitants but not more than forty thousand inhabitants, with an assessed valuation of more than twenty-six million dollars, and containing all or part of a city having four hundred fifty thousand inhabitants, the sum of twelve thousand five hundred dollars;

(8) In all counties now or hereafter having a population of more than thirty thousand inhabitants but not more than forty thousand inhabitants, the sum of ten thousand nine hundred and twenty dollars for each magistrate in the county;

(9) In all counties now or hereafter having a population of more than forty thousand inhabitants but not more than seventy thousand inhabitants, the sum of eleven thousand three hundred and twenty dollars for each magistrate in the county;

(10) In all counties now or hereafter having a population of more than seventy thousand and not more than one hundred thousand inhabitants, the sum of eleven thousand seven hundred dollars for each magistrate in the county;

(11) In all counties now or hereafter having a population in excess of one hundred thousand inhabitants, except as otherwise provided by law, the sum of thirteen thousand five hundred dollars for each magistrate in the county;

(12) In all counties of the first class having a charter form of government and all cities having a population in excess of six hundred thousand population, the sum of fourteen thousand five hundred dollars for each magistrate in the county or city. In all cities having a population in excess of six hundred thousand population, the magistrate court may appoint a chief clerk whose total compensation paid by the state shall not exceed fifteen thousand dollars.

2. The salaries of such clerks, deputy clerks and employees shall be fixed by the magistrate, or magistrate court if the magistrates are organized into a court with divisions. When the judge of the probate court is also judge of the magistrate court, such judge, in his discretion, may designate one or more of such clerks, deputy clerks, or employees as clerks, deputies or employees in the probate court in addition to any other clerk for the probate court which may be authorized by law.

3. As used in this section and in section 483.485, the word "magistrate" shall also mean "associate circuit judge".

4. The magistrate judge who has county employees in his court may at his discretion distribute these state funds to all employees in his court whether they are state or county employees.

Approved July 7, 1977.

[S. S. H. B. 513]

COURTS: Notaries public.

AN ACT to repeal sections 28.160, 486.010, 486.020, 486.030, 486.050, 486.060, 486.070, 486.080 and 486.090, RSMo 1969, and section 486.040, RSMo Supp. 1975, relating to notaries public and to enact in lieu thereof forty-three new sections, relating to the same subject, with penalty provisions, with an effective date.

SECTION

- A. Enacting clause.
1. Definitions.
2. Notary public, how appointed.
3. Notary's authority to be statewide.
4. Term of office.
5. Qualifications for notary.
6. Application, form of.
7. Commission to be issued, when—contents.
8. Bond required—oath, form of.
9. Commission awarded, when.
10. Failure of applicant to appear and qualify, effect of.
11. Register of notaries to be kept—bond, signature and oath to Secretary of State.
12. Powers of notary.
13. Notary disqualified, when.
14. Notary to keep journal.
15. Certified copy of notary record, when given, fee—minute book to be kept.
16. Copies of notarial acts furnished on court order—fee.
17. Signature of notary required, when.
18. Printed information required on notary certificate.
19. Seal, words required on—seal how applied.
20. Illegibility of certificate, effect of.
21. Change of address, notice of, effect.
22. Change of name by notary, notice to Secretary of State, contents of, effect of, signature, how signed.
23. Loss of seal or journal, notice to Secretary of State.

SECTION

24. Resignation, how effected.
25. Removal from county of residence, effect of.
26. Notice of revocation of commission, compliance with.
27. Automatic reappointment prohibited.
28. Form of acknowledgements.
29. Affirmations, form of.
30. Executing witness defined—form of affidavit of executing witness.
31. Facsimile may be certified—form of certification.
32. Maximum fees—overcharges or charge for absentee ballots, effect of.
33. Liable in damages, when.
34. Employer of a notary public liable, when.
35. Sole cause not necessary to establish notary's liability.
36. Penalty for notary's misconduct.
37. Impersonation of a notary, penalty for.
38. Unlawful possession of notary seal, journal or papers a misdemeanor, penalty.
39. Grounds for revocation of commission.
40. Unauthorized practice of law by notary, remedy for.
41. Certification of notary's authority by the Secretary of State, fee, form.
42. Fees due Secretary of State.
43. Term of notary not to be diminished, exception.
- B. Effective date of act.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 28.160, 486.010, 486.020, 486.030, 486.050, 486.060, 486.070, 486.080 and 486.090, RSMo 1969, and section 486.040, RSMo Supp. 1975, are repealed and forty-three new sections enacted in lieu thereof, to be known as sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43, to read as follows:

Section 1. Definitions.—As used in this act

- (1) "county" means any of the several counties of this state or the City of St. Louis;
- (2) "county clerk" means any of the several county clerks of this state or the clerk of the circuit court in the City of St. Louis;
- (3) "facsimile" means an exact copy preserving all the written or printed marks of the original;
- (4) "notarization" means the performance of a notarial act;
- (5) "notary public" and "notary" means any person appointed and commissioned to perform notarial acts;

(6) "official misconduct" means the wrongful exercise of a power or the wrongful performance of a duty. The term "wrongful" as used in the definition of official misconduct means unauthorized, unlawful, abusive, negligent, reckless, or injurious.

Section 2. Notary public, how appointed.—Upon application, the secretary of state may appoint and commission individual persons as notary publics in each of the several counties in this state. The secretary of state may not appoint and commission as a notary public any person who submits an application containing substantial and material misstatement or omission of fact.

Section 3. Notary's authority to be statewide.—Each notary public may perform notarial acts anywhere within this state.

Section 4. Term of office.—Each notary public may perform notarial acts for a term of four years from the date of his commission, unless sooner removed.

Section 5. Qualifications for notary.—Each person appointed and commissioned as a notary public shall

- (1) be a citizen of the United States and at least 18 years of age;
- (2) be a registered voter of the county within and for which he is commissioned;
- (3) have a residence address in the county within and for which he is commissioned;
- (4) be a resident of the state for one year preceding the date of his commission;
- (5) be able to read and write the English language; and
- (6) not have had his commission revoked during the past ten years.

Section 6. Application, form of.—1. Upon a form prepared by the secretary of state, each applicant for appointment and commission as a notary public shall swear, under penalty of perjury, that the answers to all questions on the application are true and complete to the best of his knowledge and that he is qualified to be appointed and commissioned as a notary public. The completed application form shall be filed with the secretary of state.

2. With his application, each applicant for appointment and commission as a notary public shall submit to the secretary of state endorsements from two registered voters of this state in substantially the following form:

I, (name of endorser), a registered voter of this state and county, believe to be the best of my knowledge, the applicant is a person of good moral character and integrity and capable of performing notarial acts.

.....
(Endorser's signature and residence address)

3. With his application, each applicant for appointment and commission as a notary public shall submit to the secretary of state, payable to the director of revenue, a commission fee of ten dollars.

Section 7. Commission to be issued, when—contents.—Upon receipt of a completed application, proper endorsements and the correct fee, the secretary of state, if satisfied the applicant is qualified to be appointed and commissioned as a notary public, shall prepare a notary commission for the applicant and forward the commission to the county clerk in the county of the applicant's residence. Each commission shall contain the applicant's name, the county within and for which he is to be commissioned, the date upon which the commission takes effect and the date upon which it expires.

Section 8. Bond required—oath, form of.—1. Before receiving his commission, each applicant shall submit to the county clerk of the county within and for which he is to be commissioned, an executed bond commencing at least 30 days after the date he submitted his application to the secretary of state with a term of four years, in

the sum of \$10,000.00 with, as surety thereon, a company qualified to write surety bonds in this state. The bond shall be conditioned upon the faithful performance of all notarial acts in accordance with this chapter.

2. Before receiving his commission, each applicant shall take the following oath in the presence of the county clerk:

I, (name of applicant), solemnly swear, under the penalty of perjury, that I have carefully read the notary law of this state, and if appointed and commissioned as a notary public, I will uphold the constitution of the United States and of this state and will faithfully perform to the best of my ability all notarial acts in conformance with the law.

..... (Signature of applicant)
Subscribed and sworn to before me this day of, 19.....
..... (Signature of county clerk)

3. Before receiving his commission, each applicant shall submit to the county clerk a handwritten specimen of his official signature which contains his surname and at least the initial of his first name.

Section 9. Commission awarded, when.—Immediately after receiving the bond and official signature and witnessing the oath, the county clerk shall award to the applicant his commission as a notary public.

Section 10. Failure of applicant to appear and qualify, effect of.—If the person for whom a commission is issued, fails to appear and qualify within ninety days after the commission is issued, the county clerk shall note the failure on the commission and return it to the secretary of state. The secretary of state shall immediately cancel and annul the commission.

Section 11. Register of notaries to be kept—bond, signature and oath to Secretary of State.—The county clerk shall keep a register, listing the name and address of each person to whom he awards a notary commission and the date upon which he awards the commission. Within 30 days after receiving a bond, signature and oath, the county clerk shall forward the bond, signature and oath to the secretary of state by certified mail. All such bonds, signatures and oaths shall be preserved permanently by the secretary of state.

Section 12. Powers of notary.—Each notary public is empowered to

- (1) take acknowledgements;
- (2) administer oaths and affirmations;
- (3) certify that a copy of a document is a true copy of another document and
- (4) perform any other act permitted by law.

Section 13. Notary disqualified, when.—1. For the purposes of this chapter, a notary public has a disqualifying interest in a transaction in connection with which notarial services are requested if he is named, individually, as a party to the transaction.

2. No notary who has a disqualifying interest in a transaction may legally perform any notarial act in connection with the transaction.

Section 14. Notary to keep journal.—Each notary public shall provide and keep a permanently-bound journal of his notarial acts containing numbered pages.

Section 15. Certified copy of notary record, when given, fee—minute book to be kept.—Every notary shall keep a true and perfect record of his official acts, except those connected with judicial proceedings, and those for whose public record the law provides, and if required, shall give a certified copy of any record in his office, upon the payment of the fees therefor. Every notary shall make and keep an exact minute, in a book kept by him for that purpose, of each of his official acts, except as herein provided.

Section 16. Copies of notarial acts furnished on court order—fee.—Each notary public, upon written court order, shall furnish facsimiles of entries made in his

journal of notarial acts or any other papers or copies relating to his notarial acts, upon receipt of a fee of \$1.00 per 8½ x 11 inch page or part of a page.

Section 17. Signature of notary required, when.—At the time of notarization a notary public shall sign his official signature on each notary certificate.

Section 18. Printed information required on notary certificate.—On every notary certificate, a notary public shall indicate clearly and legibly by means of rubber stamp, typewriting or printing, so that it is capable of photographic reproduction:

1. his name exactly as it appears on his commission;
2. the words "Notary Public", "State of Missouri", and "My commission expires . . . (commission expiration date)";
3. the name of the county within which he is commissioned.

Section 19. Seal, words required on—seal how applied.—1. Each notary public shall provide, keep, and use a seal embosser engraved to show the words "Notary Seal", his name, "Notary Public", and "State of Missouri".

2. The indentations made by the seal embosser shall not be applied on the notarial certificate or document to be notarized in a manner that will render illegible or incapable of photographic reproduction any of the printed marks or writing on the certificate or document.

Section 20. Illegibility of certificate, effect of.—The illegibility of any of the information required by sections 18, 19 and 20 does not affect the validity of the transaction.

Section 21. Change of address, notice of, effect of.—Any notary public who changes the address of his residence in the county within and for which he is commissioned shall forthwith mail or deliver a notice of the fact to secretary of state. The notary's commission shall remain in effect until its expiration date, unless sooner revoked.

Section 22. Change of name by notary, notice to Secretary of State, contents of, effect of, signature, how signed.—Any notary public who lawfully changes his name shall forthwith mail or deliver a notice of the fact to the secretary of state. The notice shall include the notary's new name and a specimen of his new official signature which contains his surname and at least the initial of his first. Until his commission expires or is revoked, the notary shall sign his new official signature under or near his old official signature on each notary certificate.

Section 23. Loss of seal or journal, notice to Secretary of State.—Any notary public who loses or misplaces his journal of notarial acts or Official Seal shall forthwith mail or deliver notice of the fact to the secretary of state.

Section 24. Resignation, how effected.—If any notary public no longer desires to be a notary public, he shall forthwith mail or deliver to the secretary of state a letter of resignation, and his commission shall thereupon cease to be in effect.

Section 25. Removal from county of residence, effect of.—If any notary public has ceased to have a residence address in the county within and for which he is commissioned, his commission shall thereupon cease to be in effect.

Section 26. Notice of revocation of commission, compliance with.—If any notary public receives notice from the secretary of state that his commission has been revoked, the person whose commission is revoked shall forthwith mail or deliver to the secretary of state his commission.

Section 27. Automatic reappointment prohibited.—1. No person may be automatically reappointed as a notary public.

2. Each notary public who is an applicant for reappointment as a notary public shall comply with the provisions of sections 6 and 8.

Section 28. Form of acknowledgements.—Except as otherwise provided in section 442.210, RSMo, certificates of acknowledgement shall be in substantially the following form:

(1) By an individual.

State of County (and/or City) of On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of individual), known to me to be the person who executed the within (type of document) and acknowledged to me that (he) executed the same for the purposes therein stated.

(2) By a Partner.

State of County (and/or City) of On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of partner) of (name of partnership), known to me to be the person who executed the within (type of document) in behalf of said partnership and acknowledged to me that he executed the same for the purposes therein stated (official signature and official seal of notary.)

(3) By a Corporate Officer.

State of County (and/or City) of On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of Officer), (title of person) (president, vice president, etc.), (name of corporation), known to me to be the person who executed the within (type of document) in behalf of said corporation and acknowledged to me that he executed the same for the purposes therein stated. (official signature and official seal of notary.)

(4) By an Attorney in Fact for Principal or Surety.

State of County (and/or City) of On this day of in the year before me (name of notary), a Notary Public in and for said state, personally appeared (name of attorney in fact), Attorney in Fact for (name of principal or surety), known to me to be the person who executed the within (type of document) in behalf of said principal (or surety), and acknowledged to me that he executed the same for the purposes therein stated. (official signature and official seal of notary.)

(5) By a Public Officer, Deputy, Trustee, Administrator, Guardian or Executor.

State of County (and/or City) of On this day of in the year before me (name of notary), a Notary Public in and for said state, personally appeared (name of person), (person's official title) known to me to be the person who executed the within (type of document) in behalf of (public corporation, agency, political subdivision or estate) and acknowledged to me that he executed the same for the purposes therein stated. (official signature and official seal of notary.)

(6) By a United States Citizen Who is Outside of the United States.

(description or location of place where acknowledgment is taken)

On this day of in the year before me (name and title of person acting as a notary and refer to law or authority granting power to act as a notary), personally appeared (name of citizen) known to me to be the person who executed the within (type of document) and acknowledged to me that (he) executed the same for the purposes therein stated (official signature and official seal of person acting as a notary and refer to law or authority granting power to act as a notary).

(7) By An Individual Who Cannot Write his Name.

State of County (and/or City) of On this day of in the year before me (name of notary), a Notary Public in and for said state, personally appeared (name of individual), known to me to be the person who, being unable to write his name, made his mark in my presence. I signed his name at his

request and in his presence on the within (type of document) and he acknowledged to me that he made his mark on the same for the purposes therein stated.
 (official signature and official seal of notary.)

Section 29. Affirmations, form of.—Affirmations shall be in substantially the following form:

(1) If the affirmation to be administered by the notary public is in writing and the person who took the affirmation has signed his name thereto, the notary public shall write or print under the text of the affirmation the following: "Subscribed and affirmed before me this day of, 19. . . ."

(official signature and official seal of notary.)

(2) If the affirmation to be administered by the notary public is not in writing, the notary public shall address the affirmitant substantially as follows:

"You do solemnly affirm, under the penalty of perjury, that the testimony you shall give in the matter in issue, pending between and, shall be the truth, the whole truth, and nothing but the truth."

Section 30. Executing witness defined—form of affidavit of executing witness.—1. As used in this section, the words "executing witness" means an individual who acts in the place of a notary.

2. An executing witness may not be related by blood or marriage or have a disqualifying interest as defined in section 13.

3. The affidavit of executing witness for acknowledgement by an individual who does not appear before a notary shall be in substantially the following form:

I, (name of executing witness), do solemnly affirm under the penalty of perjury, that (name of person who does not appear before a notary), personally known to me, has executed the within (type of document) in my presence, and has acknowledged to me that (he) executed the same for the purposes therein stated and requested that I sign my name on the within document as an executing witness (signature of executing witness)

Subscribed and affirmed before me this day of 19
 (official signature and official seal of notary.)

Section 31. Facsimile may be certified—form of certification.—1. A notary public may certify a facsimile of a document if he receives a signed written request stating that:

(1) a certified copy or facsimile, preparation of a copy, or certification of a copy of the document does not violate any state or federal law.

2. Each notary public shall retain a facsimile of each document he has certified as a facsimile of another document, together with other papers or copies relating to his notarial acts.

3. The certification of a facsimile shall be in substantially the following form:

State of County (and/or City) of I, (name of notary), a Notary Public in and for said state, do certify that on (date) I carefully compared the attached facsimile of (type of document) and the facsimile I now hold in my possession. They are complete, full, true and exact facsimiles of the document they purport to reproduce.

. (official signature and official seal of notary)

Section 32. Maximum fees—overcharges or charge for absentee ballots, effect of.—1. The maximum fee in this state for notarization of each signature and the proper recording thereof in the journal of notarial acts is \$2.00 for each signature notarized.

2. The maximum fee in this state for certification of a facsimile of a document, and the proper recordation thereof in the journal of notarial acts is \$2.00 for each 8½ x 11 inch page retained in the notary's file.

3. The maximum fee in this state is \$1.00 for any other notarial act performed.

4. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

5. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

Section 33. Liable in damages, when.—A notary public and the surety or sureties on his bond are liable to the persons involved for all damages proximately caused by the notary's official misconduct.

Section 34. Employer of a notary public liable, when.—The employer of a notary public is also liable to the persons involved for all damages proximately caused by the notary's official misconduct, if:

(1) the notary public was acting within the scope of his employment at the time he engaged in the official misconduct; and

(2) the employer consented to the notary public's official misconduct.

Section 35. Sole cause not necessary to establish notary's liability.—It is not essential to a recovery of damages that a notary's official misconduct be the only proximate cause of the damages.

Section 36. Penalty for notary's misconduct.—1. A notary public who knowingly and willfully commits any official misconduct is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding \$500 or by imprisonment for not more than six months or both.

2. A notary public who recklessly or negligently commits any official misconduct is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding one hundred dollars.

Section 37. Impersonation of a notary, penalty for.—Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor and punishable upon conviction by a fine not exceeding five hundred dollars or by imprisonment for not more than six months or both.

Section 38. Unlawful possession of notary seal, journal or papers a misdemeanor, penalty.—Any person who unlawfully possesses a notary's journal, official seal or any papers or copies relating to notarial acts, is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding five hundred dollars.

Section 39. Grounds for revocation of commission.—1. The secretary of state may revoke the commission of any notary public who during the current term of appointment:

(1) submits an application for commission and appointment as a notary public which contains substantial and material misstatement of facts;

(2) is convicted of any felony or official misconduct under this chapter;

(3) fails to exercise the powers or perform the duties of a notary public in accordance with this chapter;

(4) is adjudged liable or agrees in a settlement to pay damages in any suit grounded in fraud, misrepresentation, impersonation, or violation of the state regulatory laws of this state, if his liability is not solely by virtue of his agency or employment relationship with another who engaged in the act for which the suit was brought;

(5) uses false or misleading advertising wherein he represents or implies by virtue of his title of notary public, that he has qualifications, powers, duties, rights, or privileges that he does not possess by law;

(6) engages in the unauthorized practice of law;

(7) ceases to be a citizen of the United States;

(8) ceases to be a registered voter of the county within and for which he is commissioned;

(9) ceases to have a residence address in the county within and for which he is commissioned;

(10) becomes incapable of reading or writing the English language.

2. A notary's commission may be revoked under the provisions of this section only if action is taken subject to the rights of the notary public to notice, hearing, adjudication and appeal.

Section 40. Unauthorized practice of law by notary, remedy for.—1. Upon his own information or upon complaint of any person, the attorney general, or his designee, may maintain an action for injunctive relief in the circuit court of Cole County against any notary public who renders, offers to render, or holds himself out as rendering any service constituting the unauthorized practice of the law. Any organized bar association in this state may intervene in the action, at any stage of the proceeding, for good cause shown. The action may also be maintained by an organized bar association in this state.

2. The remedies provided in subsection 1 of this section are in addition to, and not in substitution for, other available remedies.

Section 41. Certification of notary's authority by the Secretary of State, fee, form.—Upon the receipt of a written request, the notarized document and a fee of \$2.00 payable to the director of revenue, the secretary of state shall provide a certificate of authority in substantially the following form:

I, (appointing state official, or local or district office designated by appointing state official, name and title) of the State of (name of state) which office is an office of record having a seal, certify that (notary's name), by whom the foregoing or annexed document was notarized, was, at the time of the notarization of the same, a Notary Public authorized by the laws of this State to act in this State and to notarize the within (type of document), and I further certify that the Notary's signature on the document is genuine to the best of my knowledge, information, and belief and that such notarization was executed in accordance with the laws of this State.

In testimony whereof, I have affixed my signature and seal of this office this day of 19.

. (secretary of state's signature, title, jurisdiction, address and the seal affixed near the signature.)

Section 42. Fees due Secretary of State.—The state shall be entitled to fees for services to be rendered by the secretary of state as follows:

For issuing warrant for arrest of fugitives from justice	\$2.50
For issuing commission to notary public	10.00
For issuing commission to commissioners of deeds	7.50
For issuing all other commissions	2.00
For countersigning and sealing certificates of official character	1.50
For countersigning and sealing all official acts of the governor	1.50
For issuing and recording certificate of corporate existence	1.50
For all other certificates	1.25
For copying records, papers or documents, for each one hundred words and figures	.15
For certifying copies of records and papers or documents	1.50
For recording all papers and documents required by law to be recorded in the office of the secretary of state, a for each one hundred words and figures	.15
For filing and abstracting lien	2.50
For plat of survey	2.50
For plat of township	5.00
For copy of field notes, for every one hundred words and figures	.15

For abstracts of lands, for each tract	10
For each certificate to any abstract or copy of any record, plat, survey or other paper, attested by his official seal .....	.50
For issuing each land patent, signed by the governor and countersigned by the secretary of state, attested by his official seal, and recording the same	2.50

Section 43. Term of notary not to be diminished, exception.—Nothing in this act shall be construed in any way as interfering with or discontinuing the term of office of any person now serving as a notary public until the term for which he was commissioned has expired, or until he has been removed pursuant to the provisions of this act.

Section B. Effective date of act.—The effective date of this act shall be January 1, 1978.

Approved July 15, 1977.

[H. B. 502]

EVIDENCE AND LEGAL ADVERTISEMENTS: Admissibility of evidence in prosecutions for crimes.

AN ACT relating to admissibility of evidence in prosecutions for certain crimes.

SECTION

1. Prosecuting witness in rape case
not to be interrogated as to prior
sexual conduct.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Prosecuting witness in rape case not to be interrogated as to prior sexual conduct.—1. In prosecutions for the crimes of rape, attempt to commit rape, or conspiracy to commit rape, opinion and reputation evidence of the complaining witness' prior sexual conduct is inadmissible; evidence of specific instances of the complaining witness' prior sexual conduct or the absence of such instances or conduct is inadmissible, except where such specific instances are:

(1) Evidence of the sexual conduct of the complaining witness with the defendant to prove consent and the evidence is reasonably contemporaneous with the date of the alleged crime; or

(2) Evidence of specific instances of sexual activity showing alternative source or origin of semen, pregnancy or disease.

(3) Evidence of immediate surrounding circumstances of the alleged crime; or

(4) Evidence relating to the previous chastity of the complaining witness in cases, where, by statute, previously chaste character is required to be proved by the prosecution.

2. Evidence of the sexual conduct of the complaining witness offered under this section is admissible to the extent that the court finds the evidence relevant to a material fact or issue.

3. If the defendant proposes to offer evidence of the sexual conduct of the complaining witness under this section, he shall file with the court a written motion accompanied by an offer of proof or make an offer of proof on the record outside the hearing of the jury. The court shall hold an in camera hearing to determine the sufficiency of the offer of proof and may at that hearing hear evidence if the court deems it necessary to determine the sufficiency of the offer of proof. If the court finds any of the evidence offered admissible under this section the court shall make an order stating the scope of the evidence which may be introduced. Objections to any decision of the court

under this section may be made by either the prosecution or the defendant in the manner provided by law. The in camera hearing shall be recorded and the court shall set forth its reasons for its ruling. The record of the in camera hearing shall be sealed for delivery to the parties and to the appellate court in the event of an appeal or other post trial proceeding.

Approved July 6, 1977.

[H. B. 175]

EVIDENCE AND LEGAL ADVERTISEMENT: Persons incompetent to testify.

AN ACT to repeal section 491.060, RSMo 1969, relating to persons incompetent to testify, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

491.060. Persons incompetent to testify.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 491.060, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 491.060, to read as follows:

491.060. Persons incompetent to testify.—The following persons shall be incompetent to testify:

- (1) A person of unsound mind at the time of his production for examination;
- (2) A child under ten years of age, who appears incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly;
- (3) An attorney, concerning any communication made to him by his client in that relation, or his advice thereon, without the consent of such client;
- (4) Any person practicing as a minister of the gospel, priest, rabbi or other person serving in a similar capacity for any organized religion concerning a communication made to him in his professional capacity for the purpose of obtaining spiritual counseling, or absolution in accordance with a religious requirement. Any minister of the gospel, priest or rabbi; concerning a communication made to him in his professional capacity as a spiritual advisor, confessor, counselor or comforter.
- (5) A physician or surgeon, concerning any information which he may have acquired from any patient while attending him in a professional character, and which information was necessary to enable him to prescribe for such patient as a physician, or do any act for him as a surgeon.

Approved July 15, 1977.

[H. B. 161]

CIVIL PROCEDURE AND LIMITATIONS: Law library deposit.

AN ACT to repeal section 514.440, RSMo 1969, relating to the law library deposit required in certain civil actions in first class counties, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

514.440. Deposit required in civil actions—exemptions (class one counties).

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 514.440, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 514.440, to read as follows:

514.440. Deposit required in civil actions—exemptions (class one

counties).—The judge or judges of the circuit court in any county of class one in this state, by rule of court, may require the attorney or attorneys for any party filing suit in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a sum not to exceed five dollars in addition to all other deposits now or hereafter required by law or court rule, and no summons shall issue until the deposit has been made. Sections 514.440 to 514.460 shall not apply to actions sent to the county on change of venue or on appeal from inferior courts, or to suits, civil or criminal, filed by the county or state or any city.

Approved June 8, 1977.

[H. B. 97]

CIVIL PROCEDURE AND LIMITATIONS: Fees in civil actions paid to the circuit clerk.

AN ACT to repeal section 514.470, RSMo Supp. 1975, relating to fees in civil actions paid to the circuit clerk in counties of the second, third, and fourth class, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

514.470. Law library fee, judge may require, exceptions (class two, three and four counties).

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 514.470, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 514.470, to read as follows:

514.470. Law library fee, judge may require, exceptions (class two, three and four counties).—The judge or judges of the circuit court or court of common pleas in any county of the second, third or fourth class in this state may by rule of court require the attorney or attorneys for any party filing suit in the circuit court or court of common pleas, at the time of filing the suit, to deposit with the clerk of the court a sum not to exceed five dollars in the circuit court in any county of the third and fourth class, not to exceed ten dollars in any court of common pleas or in any county of the second class, except a county of the second class which is required by law to hold circuit court in more than one city, in addition to all other deposits now or hereafter required by law or court rule, and no summons shall issue until such deposit has been made. This law does not apply to actions sent to the county on change of venue or on appeal from inferior courts, or to suits, civil or criminal, filed by the county or state or any city.

Approved June 8, 1977.

[H. B. 471]

STATUTORY ACTIONS AND TORTS: Injunctions.

AN ACT to repeal section 526.070, RSMo 1969, relating to injunctions, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

526.070. Injunction bond.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 526.070, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 526.070, to read as follows:

526.070. Injunction bond.—No injunction, unless on final hearing or judgment, shall issue in any case, except in suits instituted by the state in its own behalf, until the plaintiff, or some responsible person for him, shall have executed a bond with sufficient surety or sureties to the other party, in such sum as the court or judge shall deem sufficient to secure the amount or other matter to be enjoined, and all damages that may be occasioned by such injunction to the parties enjoined, or to any party interested in the subject matter of the controversy, conditioned that the plaintiff will abide the decision which shall be made thereon, and pay all sums of money, damages and costs that shall be adjudged against him if the injunction shall be dissolved. In lieu of the bond the plaintiff may deposit with the court such sum, in cash, as the court may require, sufficient to secure such amounts.

Approved July 27, 1977.

[S. C. S. H. B. 562]

STATUTORY ACTIONS AND TORTS: Exemption for members of certain Professional Standards Boards from actions for damages.

AN ACT to repeal section 537.035, RSMo Supp. 1975, relating to when members of certain professional standards boards are exempt from actions for damages, and to enact in lieu thereof one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

537.035. Members of certain professional standards boards or committees exempt from action for damages, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 537.035, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 537.035, to read as follows:

537.035. Members of certain professional standards boards or committees exempt from action for damages, when.—No physician or surgeon licensed under the provisions of chapter 334, RSMo, a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or an optometrist licensed under the provisions of chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, while acting, within their scope of practice, as an authorized member of a hospital review, medical review, dental review, podiatry review, optometry review, pharmacy review, utilization review, or peer review committee functioning for the sole purpose of maintaining the professional standards of those engaged in the practice of the above professions, or for maintaining professional standards in a hospital as established by its medical society or by the medical staff of the hospital creating the committee, and no governing board or member of such a board of a hospital licensed under the provisions of chapter 197, RSMo, acting upon a recommendation of any such committee, shall be liable in damages to any person subject to the actions of the committee or board for any action taken or recommendation made by the committee or board or by a person acting in his official capacity as a member of any such committee or board when such action or recommendation was made within the scope and function of the committee if such action or recommendation was made without malice and was supported by creditable evidence upon consideration of the whole record.

Approved July 28, 1977.

[S. B. 147]

STATUTORY ACTIONS AND TORTS: Actions for torts.

AN ACT to repeal sections 537.010 and 537.020, RSMo 1969, relating to actions for torts and to enact in lieu thereof three new sections relating to the same subject matter.

SECTION

Paragraph 1. Enacting clause.

537.010. Action for damages to property to survive regardless of death of either party.

537.020. Action for personal injury or death to survive regardless of death of either party.

SECTION

537.021. Action for damages must be brought and defended by executors or administrators when party is deceased—exception—defendant ad litem, fee of.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Paragraph 1. Enacting clause.—Sections 537.010 and 537.020, RSMo 1969, are repealed and three new sections are enacted in lieu thereof to be known as sections 537.010, 537.020 and 537.021, and to read as follows:

537.010. Action for damages to property to survive regardless of death of either party.—Actions for wrongs done to property or interests therein may be brought against the wrongdoer by the person whose property or interest therein is injured. If the person whose property or interest therein is injured is dead, the action survives and may be brought against the wrongdoer by the person appointed as fiduciary for the estate of the deceased person. If the wrongdoer is dead, the action also survives and may be brought and maintained in the manner set forth in section 537.021. Such actions shall be brought and maintained in the same manner and with like effect in all respects as actions founded upon contracts.

537.020. Action for personal injury or death to survive regardless of death of either party.—Causes of action for personal injuries, other than those resulting in death, whether such injuries be to the health or to the person of the injured party, shall not abate by reason of his death, nor by reason of the death of the person against whom such cause of action shall have accrued; but in the case of the death of either or both of such parties such cause of action shall survive to the personal representative of such injured party, and against the person, receiver, or corporation liable for such injuries and his legal representatives, and the liability and the measure of damages shall be the same as if such death or deaths had not occurred. Causes of action for death shall not abate by reason of the death of any party to any such cause of action, but shall survive to the personal representative of such party bringing such cause of action and against the person, receiver, or corporation liable for such death and his or its legal representatives.

537.021. Action for damages must be brought and defended by executors or administrators when party is deceased—exception—defendant ad litem, fee of.—The existence of a cause of action for an injury to property, for a personal injury not resulting in death, or for wrongful death, which action survives the death of the wrongdoer or the person injured, or both, shall authorize and require the appointment by a probate court of:

(a) An executor or administrator of the estate of a person whose property is injured, or a person injured or a person entitled to maintain a wrongful death action upon the death of any such person; and

(b) An executor or administrator of the estate of a wrongdoer upon the death of such wrongdoer, unless a deceased wrongdoer leaves no assets subject to probate administration and is insured against liability for damages for wrongdoing and damages may be recovered from the wrongdoer's liability insurer; then, a probate court shall not appoint an executor or administrator, but the court in which any such cause of action is brought shall appoint a qualified person to be known as a defendant ad litem. The defendant ad litem shall serve and act as the named party defendant in such actions in the capacity of legal representative of the deceased wrongdoer.

The defendant ad litem may be allowed a reasonable fee by the court appointing him which shall be taxed as court costs. He shall not be personally liable for court costs

unless specially charged by the court for personal misconduct in the action.

Actions against executors and administrators pending on the effective date of this law shall not be affected by its provisions.

Approved July 28, 1977.

(H. B. 241)

CRIMINAL PROCEDURE: Time limits for criminal trials.

AN ACT to repeal section 545.780, RSMo 1969, relating to time limits for criminal trials, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SECTION

1. Enacting clause.
- 545.780. Time limitations on arraignments and trials—excusable delays—unexcused delay, effect of.

SECTION

- A. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 545.780, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 545.780, to read as follows:

545.780. Time limitations on arraignments and trials—excusable delays—unexcused delay, effect of.—1. The arraignment of a defendant charged in an information or indictment with the commission of an offense shall be held within ten days from the filing of the information or the making public of the indictment.

2. When a plea of not guilty is entered at an arraignment the trial shall commence within one hundred eighty days of arraignment.

3. The following periods of delay shall be excluded in computing the time within which the arraignment or trial of any such offense must commence:

(1) Any period of delay resulting from other criminal proceedings concerning the defendant, including but not limited to:

(a) Delay resulting from an examination of the defendant and hearing on his mental competency or physical incapacity;

(b) Delay resulting from trials with respect to other charges against the defendant;

(c) Delay resulting from hearings on pretrial motions;

(d) Delay resulting from a change of venue; and

(e) Delay reasonably attributable to any period, not to exceed thirty days during which any proceeding concerning the defendant is actually under advisement.

(2) Any period of delay resulting from the absence or unavailability of the defendant or an essential witness. For purposes of this section, a defendant or an essential witness shall be considered absent when his whereabouts are unknown and, in addition, he is attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due diligence. For purposes of this section, a defendant or an essential witness shall be considered unavailable whenever his whereabouts are known but his presence for trial cannot be obtained by due diligence or he resists appearing or being returned for trial.

(3) Any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trial.

(4) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.

(5) (a) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant's attorney, or the defendant, or at the

request of the prosecuting attorney if the continuance is consented to by the defendant's attorney or the defendant and if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the benefits of a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this section unless the court sets forth, in the record of the case, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

(b) No continuance shall be granted because of general congestion of the court's calendar or lack of diligent preparation or failure to obtain available witnesses on the part of the prosecuting attorney.

4. If the defendant is to be tried again following a declaration by the trial judge of a mistrial or following an order of such judge for a new trial, the new trial shall commence within sixty days from the order of the judge declaring a mistrial or a new trial, except that the court retrying the case may extend the period for retrial not to exceed one hundred and eighty days from the date of the order if unavailability of witnesses or other factors resulting from passage of time shall make trial within sixty days impractical.

5. If a defendant is not brought to arraignment or trial within the time limit required by this section, the trial judge may dismiss the information or indictment upon motion by the defendant and a showing by defendant that the failure to have the trial commence within time limits specified herein was occasioned by the state. The case may be dismissed with or without prejudice at the discretion of the court. In determining whether to dismiss the case, the court shall consider, among others, each of the following factors: The seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of this section and on the administration of justice. The court shall make a record showing the action taken in regard to the dismissal or continuance of the case and show on the record the reasons for such action. Failure of the defendant to move for dismissal prior to trial shall constitute a waiver of the right to dismissal under this section. If the charge was dismissed by the court without prejudice and thereafter a charge is filed against the defendant for the same offense or an offense required to be joined with that offense, the time elapsed between the date the original charge was dismissed to the date the subsequent charge was filed shall be included for purposes of computation of the allowable time to arraign the defendant and commence the trial.

6. Nothing in this act shall be deemed to modify or repeal the provision of section 510.120, RSMo.

Section A. Effective Date.—This act shall become effective September 1, 1978.

Approved July 28, 1977.

[S. B. 426]

CRIMINAL PROCEDURE: Peremptory challenges of jurors.

AN ACT to repeal section 546.180, R.S.Mo. 1975 Supplement, relating to peremptory challenges of jurors and to enact one new section in lieu thereof.

SECTION

1. Enacting clause.

SECTION

546.180. Peremptory challenge, number allowed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 546.180 R.S.Mo. 1975 Supplement, is repealed and one new section is adopted in lieu thereof, to be known as Section 546.180, to read as follows:

546.180. Peremptory challenge, number allowed.—In all criminal cases the state and the defendant shall be entitled to a peremptory challenge of jurors as follows:

(1) If the offense charged is punishable by death or by imprisonment in the penitentiary for life, the state shall have the right to challenge six and the defendant twelve, and no more;

(2) In all other cases punishable by imprisonment in the penitentiary, the state shall have the right to challenge four and the defendant eight, and no more;

(3) In all cases not punishable by death or imprisonment in the penitentiary, the state and the defendant shall each challenge the number of three, and no more.

Approved July 26, 1977.

[S. B. 5]

CRIMINAL PROCEDURE: Division of Probation and Parole.

AN ACT to repeal section 549.237, RSMo Supp. 1975, relating to the division of probation and parole, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SECTION

1. Enacting clause.
- 549.237. Probation officer's duties, minimum compensation.

SECTION

2. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 549.237, RSMo. Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 549.237, to read as follows:

549.237. Probation officer's duties, minimum compensation.—Probation and parole officers shall investigate all persons referred to them for investigation by the board or by any court in which they are authorized to serve. They shall furnish to each person released under their supervision a written statement of the conditions of probation or parole and shall instruct him regarding these conditions. They shall keep informed of his conduct and condition and use all suitable methods to aid and encourage him to bring about improvement in his conduct and conditions. Probation and parole officers shall keep detailed records of their work; and shall make such reports in writing and perform such other duties as may be incidental to those enumerated, as the court or the board may require. The minimum salary of a probation and parole officer shall be ten thousand five hundred dollars per year. Salaries for additional merit system professional probation and parole classes within the division shall be set as provided under section 36.140, RSMo, in consideration of the minimum.

Section 2. Effective date.—This act shall become effective January 1, 1978.

Approved June 15, 1977.

[H. B. 427]

CRIMINAL PROCEDURE: Costs in criminal cases.

AN ACT to repeal sections 550.010 and 550.210, RSMo 1969, relating to costs in criminal cases, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SECTION

1. Enacting clause.
- 550.010. State or county to pay only reasonable occupancy costs and cost of incarceration.

SECTION

- 550.210. Fee bill, how certified—information required.
2. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 550.010 and 550.210, RSMo 1969 are repealed and two new sections enacted in lieu thereof, to be known as sections 550.010 and 550.210, to read as follows:

550.010. State or county to pay only reasonable occupancy costs and cost of incarceration.—Whenever any person shall be convicted of any crime or misdemeanor he shall be adjudged to pay the costs, and no costs incurred on his part, except fees for the cost of incarceration, including a reasonable sum to cover occupancy costs, shall be paid by the state or county.

550.210. Fee bill, how certified—information required.—When a fee bill shall be certified to the commissioner of administration for payment, the certificate of the judge and prosecuting attorney shall contain a statement of the following facts: That they have strictly examined the bill of costs; that the defendant was convicted or acquitted, and if convicted, the nature and extent of punishment assessed, or the cause continued generally, as the case may be; that the offense charged is a capital one, or punishable solely by imprisonment in the penitentiary, as the case may be; that the services were rendered for which charges are made, and that the fees charged are expressly authorized by law, and that they are properly taxed against the proper party, and that the fees of no more than three witnesses to prove any one fact are allowed. In cases in which the defendant is convicted, the judge and prosecuting attorney shall certify, in addition to the foregoing facts, that the defendant is insolvent, and that no costs charged in the fee bill, fees for the cost of incarceration, including a reasonable sum to cover occupancy costs, excepted, were incurred on the part of the defendant.

Section 2. Effective date.—This act shall become effective January 1, 1978.

Approved July 27, 1977.

[S. B. 60]

CRIMES AND PUNISHMENT: Certain offenses and the punishment therefor.

AN ACT to repeal sections 11.110, 12.060, 29.360, 30.420, 30.430, 41.760, 41.770, 43.230, 50.520, 51.260, 51.270, 61.310, 65.430, 70.760, 77.620, 79.550, 95.055, 104.260, 105.220, 105.250, 107.160, 110.120, 117.860, 117.870, 118.760, 118.770, 129.420, 138.490, 162.091, 168.091, 177.081, 178.970, 191.200, 196.745, 214.100, 214.110, 216.355, 221.180, 221.190, 221.200, 221.210, 221.220, 222.010, 222.020, 222.030, 226.180, 229.140, 229.170, 231.090, 231.140, 241.280, 245.535, 246.210, 246.220, 246.230, 254.280, 256.160, 257.420, 262.420, 262.540, 265.100, 273.140, 306.310, 419.080, 430.070, 430.190, 476.300, 481.240, 483.095, 484.180, 494.180, 494.270, 496.180, 497.290, 498.220, 498.230, 498.240, 513.405, 537.285, 537.390, 541.190, 541.200, 541.210, 541.220, 541.230, 542.150, 542.160, 542.170, 542.180, 542.200, 542.210, 542.240, 542.250, 543.240, 543.340, 543.430, 544.140, 545.120, 546.290, 546.310, 546.320, 546.330, 546.340, 546.350, 546.410, 546.420, 546.430, 546.440, 546.450, 546.460, 546.470, 546.480, 546.490, 546.500, 546.830, 546.840, 546.850, 549.071, 549.081, 549.101, 549.111, 549.141, 549.254, 550.310, 551.010, 551.020, 551.030, 551.040, 551.050, 551.060, 551.070, 551.080, 551.090, 551.100, 551.110, 551.120, 551.130, 551.140, 551.150, 556.010, 556.020, 556.030, 556.040, 556.060, 556.100, 556.110, 556.150, 556.160, 556.170, 556.180, 556.190, 556.210, 556.220, 556.230, 556.240, 556.250, 556.260, 556.270, 556.280, 556.290, 556.300, 556.310, 557.010, 557.030, 557.040, 557.050, 557.060, 557.070, 557.080, 557.090, 557.100, 557.110, 557.120, 557.130, 557.140, 557.150, 557.160, 557.170, 557.180, 557.190, 557.200, 557.210, 557.215, 557.220, 557.225, 557.230, 557.240, 557.250, 557.260, 557.270, 557.280, 557.290, 557.300, 557.310, 557.320, 557.330, 557.340, 557.380, 557.390, 557.410, 557.420, 557.430, 557.440, 557.450, 557.460, 557.470, 557.480, 557.490, 557.510, 558.010, 558.020, 558.030, 558.040, 558.050, 558.060, 558.070, 558.080, 558.090, 558.100, 558.110, 558.120, 558.130, 558.140, 558.150, 558.155,

558.160, 558.170, 558.180, 558.190, 558.200, 558.210, 558.220, 558.230, 558.240, 558.250, 558.260, 558.270, 558.280, 558.300, 558.310, 558.320, 558.330, 558.340, 558.350, 558.360, 558.370, 558.380, 559.040, 559.050, 559.060, 559.100, 559.110, 559.120, 559.130, 559.150, 559.170, 559.180, 559.190, 559.200, 559.210, 559.220, 559.240, 559.250, 559.270, 559.280, 559.290, 559.300, 559.310, 559.320, 559.330, 559.340, 559.356, 559.360, 559.370, 559.380, 559.390, 559.400, 559.410, 559.420, 559.430, 559.440, 559.450, 559.460, 559.470, 560.010, 560.015, 560.020, 560.025, 560.030, 560.035, 560.040, 560.045, 560.050, 560.055, 560.060, 560.065, 560.070, 560.075, 560.080, 560.085, 560.090, 560.095, 560.100, 560.105, 560.110, 560.115, 560.120, 560.125, 560.130, 560.150, 560.156, 560.175, 560.180, 560.200, 560.270, 560.275, 560.300, 560.305, 560.310, 560.320, 560.323, 560.325, 560.330, 560.335, 560.345, 560.355, 560.360, 560.365, 560.370, 560.375, 560.380, 560.385, 560.390, 560.395, 560.400, 560.405, 560.410, 560.415, 560.420, 560.425, 560.435, 560.440, 560.450, 560.455, 560.460, 560.465, 560.470, 560.475, 560.480, 560.490, 560.495, 560.500, 560.505, 560.525, 560.530, 560.535, 560.540, 560.545, 560.550, 560.555, 560.560, 560.565, 560.570, 560.575, 560.580, 560.585, 560.590, 560.595, 560.600, 560.605, 560.610, 561.011, 561.060, 561.220, 561.400, 561.410, 561.415, 561.420, 561.430, 561.450, 561.460, 561.470, 561.480, 561.530, 561.540, 561.550, 561.560, 561.570, 561.580, 561.590, 561.630, 561.660, 561.663, 561.665, 561.670, 561.680, 561.710, 561.730, 561.735, 561.750, 561.760, 561.770, 561.780, 561.790, 561.800, 561.810, 561.820, 561.830, 561.840, 561.850, 561.860, 561.880, 562.020, 562.030, 562.040, 562.050, 562.090, 562.100, 562.110, 562.120, 562.130, 562.140, 562.150, 562.160, 562.170, 562.180, 562.190, 562.200, 562.230, 562.240, 562.250, 562.260, 562.270, 562.280, 562.285, 562.290, 562.300, 562.310, 562.320, 563.010, 563.020, 563.030, 563.040, 563.050, 563.060, 563.070, 563.080, 563.090, 563.100, 563.110, 563.120, 563.130, 563.140, 563.150, 563.160, 563.170, 563.180, 563.190, 563.200, 563.210, 563.220, 563.230, 563.260, 563.270, 563.280, 563.285, 563.290, 563.300, 563.310, 563.320, 563.340, 563.350, 563.360, 563.365, 563.370, 563.374, 563.375, 563.380, 563.390, 563.400, 563.410, 563.420, 563.430, 563.440, 563.445, 563.450, 563.460, 563.470, 563.480, 563.490, 563.500, 563.510, 563.520, 563.530, 563.540, 563.550, 563.560, 563.570, 563.580, 563.590, 563.600, 563.610, 563.620, 563.630, 563.640, 563.650, 563.740, 563.750, 563.760, 563.770, 563.780, 563.790, 563.830, 563.840, 563.850, 563.860, 563.880, 563.890, 563.900, 563.910, 563.920, 564.030, 564.040, 564.050, 564.060, 564.070, 564.080, 564.190, 564.200, 564.210, 564.220, 564.230, 564.240, 564.250, 564.260, 564.270, 564.280, 564.290, 564.300, 564.310, 564.320, 564.330, 564.340, 564.350, 564.360, 564.370, 564.380, 564.390, 564.400, 564.410, 564.420, 564.430, 564.440, 564.441, 564.443, 564.444, 564.445, 564.450, 564.460, 564.500, 564.510, 564.530, 564.535, 564.540, 564.550, 564.570, 564.665, 564.670, 564.680, 564.690, 564.700, and 564.710, RSMo 1969, and sections 55.280, 55.300, 104.550, 202.435, 407.540, 543.270, 546.615, 549.197, 556.050, 556.070, 556.080, 556.090, 556.120, 556.130, 557.020, 557.351, 559.155, 559.230, 559.260, 560.135, 560.161, 560.168, 560.447, 560.457, 561.340, 561.455, 562.010, 564.442, 564.480, and 564.560, RSMo Supp. 1975 and section 559.225 RSMo Supp. 1976, and section 559.353 of conference committee substitute for house bill no. 601 as enacted by the first regular session of the seventy-ninth general assembly, relating to certain offenses and the punishment therefor, and to enact in lieu thereof two hundred twenty-two new sections relating to the same subject, with penalty provisions and an effective date.

SECTION

1. Enacting clause.
- 556.011. Short title.
- 556.016. Classes of crimes.
- 556.021. Infractions.
- 556.026. Offenses must be defined by statute.
- 556.031. Application to offenses committed before and after enactment.
- 556.036. Time limitations.
- 556.041. Limitation on conviction for multiple offenses.
- 556.046. Conviction of included offenses.

SECTION

- 556.051. Burden of injecting the issue.
- 556.056. Affirmative defense.
- 556.061. Code definitions.
- 557.011. Authorized dispositions.
- 557.016. Classification of offenses.
- 557.021. Classification of offenses outside this code.
- 557.026. Presentence investigation and report.
- 557.031. Presentence commitment for study.

SECTION

- 557.036. Role of court and jury in sentencing—jury informed of penalties.
- 558.011. Sentence of imprisonment—incidents.
- 558.016. Extended terms for dangerous offenders.
- 558.021. Extended term procedures.
- 558.026. Concurrent and consecutive terms of imprisonment.
- 558.031. Calculation of terms of imprisonment—credit for jail time awaiting trial.
- 559.011. Eligible for probation, when.
- 559.016. Terms of probation.
- 559.021. Conditions of probation.
- 559.026. Detention condition of probation.
- 559.031. Transfer to another court.
- 559.036. Duration of probation—revocation.
- 560.011. Fines for felonies.
- 560.016. Fines for misdemeanors and infractions.
- 560.021. Fines for corporations.
- 560.026. Imposition of fines.
- 560.031. Response to nonpayment.
- 560.036. Revocation of a fine.
- 561.016. Basis of disqualification or disability.
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A. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Sections 11.110, 12.060, 29.360, 30.420, 30.430, 41.760, 41.770, 43.230, 50.520, 51.260, 51.270, 61.310, 65.430, 70.760, 77.620, 79.550, 95.055, 104.260, 105.220, 105.250, 107.160, 110.120, 117.860, 117.870, 118.760, 118.770, 129.420, 138.490, 162.091, 168.091, 177.081, 178.970, 191.200, 196.745, 214.100, 214.110, 216.355, 221.180, 221.190, 221.200, 221.210, 221.220, 222.010, 222.020, 222.030, 226.180, 229.140, 229.170, 231.090, 231.140, 241.280, 245.535, 246.210, 246.220, 246.230, 254.280, 256.160, 257.420, 262.420, 262.540, 265.100, 273.140, 306.310, 419.080, 430.070, 430.190, 476.300, 481.240, 483.095, 484.180, 494.180, 494.270, 496.180, 497.290, 498.220, 498.230, 498.240, 513.405, 537.285, 537.390, 541.190, 541.200, 541.210, 541.220, 541.230, 542.150, 542.160, 542.170, 542.180, 542.200, 542.210, 542.240, 542.250, 543.240, 543.340, 543.430, 544.140, 545.120, 546.290, 546.310, 546.320, 546.330, 546.340, 546.350, 546.410, 546.420, 546.430, 546.440, 546.450, 546.460, 546.470, 546.480, 546.490, 546.500, 546.830, 546.840, 546.850, 549.081, 549.101, 549.111, 549.141, 549.254, 550.310, 551.010, 551.020, 551.030, 551.040, 551.050, 551.060, 551.070, 551.080, 551.090, 551.100, 551.110, 551.120, 551.130, 551.140, 551.150, 556.010, 556.020, 556.030, 556.040, 556.060, 556.100, 556.110, 556.150, 556.160, 556.170, 556.180, 556.190, 556.210, 556.220, 556.230, 556.240, 556.250, 556.260, 556.270, 556.280, 556.290, 556.300, 556.310, 557.010, 557.030, 557.040, 557.050, 557.060, 557.070, 557.080, 557.090, 557.100, 557.110, 557.120, 557.130, 557.140, 557.150, 557.160, 557.170, 557.180, 557.190, 557.200, 557.210, 557.215, 557.220, 557.225, 557.230, 557.240, 557.250, 557.260, 557.270, 557.280, 557.290, 557.300, 557.310, 557.320, 557.330, 557.340, 557.380, 557.390, 557.410, 557.420, 557.430, 557.440, 557.450, 557.460, 557.470, 557.480, 557.490, 557.510, 558.010, 558.020, 558.030, 558.040, 558.050, 558.060, 558.070, 558.080, 558.090, 558.100, 558.110, 558.120, 558.130, 558.140, 558.150, 558.155, 558.160, 558.170, 558.180, 558.190, 558.200, 558.210, 558.220, 558.230, 558.240, 558.250, 558.260, 558.270, 558.280, 558.300, 558.310, 558.320, 558.330, 558.340, 558.350, 558.360, 558.370, 558.380, 559.040, 559.050, 559.060, 559.100, 559.110, 559.120, 559.130, 559.150, 559.170, 559.180, 559.190, 559.200, 559.210, 559.220, 559.240, 559.250, 559.270, 559.280, 559.290, 559.300, 559.310, 559.320, 559.330, 559.340, 559.356, 559.360, 559.370, 559.380, 559.390, 559.400, 559.410, 559.420, 559.430, 559.440, 559.450, 559.460, 559.470, 560.010, 560.015, 560.020, 560.025, 560.030, 560.035, 560.040, 560.045, 560.050, 560.055, 560.060, 560.065, 560.070, 560.075, 560.080, 560.085, 560.090, 560.095, 560.100, 560.105, 560.110, 560.115, 560.120, 560.125, 560.130, 560.150, 560.156, 560.175, 560.180, 560.200, 560.270, 560.275, 560.300, 560.305, 560.310, 560.320, 560.323, 560.325, 560.330, 560.335, 560.345, 560.355, 560.360, 560.365, 560.370, 560.375, 560.380, 560.385, 560.390, 560.395, 560.400, 560.405, 560.410, 560.415, 560.420, 560.425, 560.435, 560.440, 560.450, 560.455, 560.460, 560.465, 560.470, 560.475, 560.480, 560.490, 560.495, 560.500, 560.505, 560.525, 560.530, 560.535, 560.540, 560.545, 560.550, 560.555, 560.560, 560.565, 560.570, 560.575, 560.580, 560.585, 560.590, 560.595, 560.600, 560.605, 560.610, 561.011, 561.066, 561.220, 561.400, 561.410, 561.415, 561.420, 561.430, 561.450, 561.460, 561.470, 561.480, 561.530, 561.540, 561.550, 561.560, 561.570, 561.580, 561.590, 561.630, 561.660, 561.663, 561.665, 561.670, 561.680, 561.710, 561.730, 561.735, 561.750, 561.760, 561.770, 561.780, 561.790, 561.800, 561.810, 561.820, 561.830, 561.840, 561.850, 561.860, 561.880, 562.020, 562.030, 562.040, 562.050, 562.090, 562.100, 562.110, 562.120, 562.130, 562.140, 562.150, 562.160, 562.170, 562.180, 562.190, 562.200, 562.230, 562.240, 562.250, 562.260, 562.270, 562.280, 562.285, 562.290, 562.300, 562.310, 562.320, 563.010, 563.020, 563.030, 563.040, 563.050, 563.060, 563.070, 563.080,

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556.011. Short title.—This code shall be known and may be cited as "The Criminal Code".

556.016. Classes of crimes.—1. An offense defined by this code or by any other statute of this state, for which a sentence of death or imprisonment is authorized, constitutes a crime. Crimes are classified as felonies and misdemeanors.

2. A crime is a felony if it is so designated or if persons convicted thereof may be sentenced to death or imprisonment for a term which is in excess of one year.

3. A crime is a misdemeanor if it is so designated or if persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is one year or less.

556.021. Infractions.—1. An offense defined by this code or by any other

statute of this state constitutes an infraction if it is so designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty is authorized upon conviction.

2. An infraction does not constitute a crime and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a crime.

556.026. Offenses must be defined by statute.—No conduct constitutes an offense unless made so by this code or by other applicable statute.

556.031. Application to offenses committed before and after enactment.—

1. The provisions of this code shall govern the construction and punishment for any offense defined in this code and committed after the effective date hereof, as well as the construction and application of any defense to a prosecution for such an offense.

2. Offenses defined outside of this code and not repealed shall remain in effect, but unless otherwise expressly provided or unless the context otherwise requires, the provisions of this code shall govern the construction of any such offenses committed after the effective date of this code as well as the construction and application of any defense to a prosecution for such offenses.

3. The provisions of this code do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this code, or the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this code had not been enacted, the provisions of section 1.160, RSMo notwithstanding.

556.036. Time limitations.—1. A prosecution for murder or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months.

3. If the period prescribed in subsection 2 has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced either when an indictment is found or an information filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state.

556.041. Limitation on conviction for multiple offenses.—When the same conduct of a person may establish the commission of more than one offense he may be prosecuted for each such offense. He may not, however, be convicted of more than one offense if

- (1) One offense is included in the other, as defined in section 556.046; or
- (2) Inconsistent findings of fact are required to establish the commission of the offenses; or
- (3) The offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct; or
- (4) The offense is defined as a continuing course of conduct and the person's course of conduct was uninterrupted, unless the law provides that specific periods of such conduct constitute separate offenses.

556.046. Conviction of included offenses.—1. A defendant may be convicted of an offense included in an offense charged in the indictment or information. An offense is so included when

- (1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or
- (2) It is specifically denominated by statute as a lesser degree of the offense charged; or
- (3) It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein.

2. The court shall not be obligated to charge the jury with respect to an included offense unless there is a basis for a verdict acquitting the defendant of the offense charged and convicting him of the included offense.

556.051. Burden of injecting the issue.—When the phrase "The defendant shall have the burden of injecting the issue" is used in the code, it means

- (1) The issue referred to is not submitted to the trier of fact unless supported by evidence; and
- (2) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

556.056. Affirmative defense.—When the phrase affirmative defense is used in the code, it means

- (1) The defense referred to is not submitted to the trier of fact unless supported by evidence; and
- (2) If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

556.061. Code definitions.—In this code, unless the context requires a different definition, the following shall apply:

- (1) "Affirmative defense" has the meaning specified in section 556.056;
- (2) "Burden of injecting the issue" has the meaning specified in section 556.051;
- (3) "Confinement", a person is in confinement when he is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until
 - (a) A court orders his release; or
 - (b) He is released on bail, bond, or recognizance, personal or otherwise; or
 - (c) A public servant having the legal power and duty to confine him authorizes his release without guard and without condition that he return to confinement.
 - (d) A person is not in confinement if
 - a. He is on probation or parole, temporary or otherwise; or
 - b. He is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him to or from a place of confinement.
- (4) "Consent", consent or lack of consent may be expressed or implied. Assent does

not constitute consent if

(a) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception.

(5) "Criminal negligence" has the meaning specified in section 562.016.

(6) "Custody", a person is in custody when he has been arrested but has not been delivered to a place of confinement.

(7) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

(8) "Dangerous felony" means the felonies of murder, forcible rape, assault, burglary, robbery, kidnapping or the attempt to commit any of these felonies.

(9) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury may be discharged, or a switchblade knife, dagger, billy, black jack or metal knuckles.

(10) "Felony" has the meaning specified in section 556.016.

(11) "Forcible compulsion" means either

(a) Physical force that overcomes reasonable resistance, or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of himself or another person.

(12) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his conduct, or unable to communicate unwillingness to an act. A person is not "incapacitated" with respect to an act committed upon him if he became unconscious, unable to appraise the nature of his conduct, or unable to communicate unwillingness to an act, after consenting to the act.

(13) "Inhabitable structure" has the meaning specified in section 569.010.

(14) "Infraction" has the meaning specified in section 556.021.

(15) "Knowingly" has the meaning specified in section 562.016.

(16) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state.

(17) "Misdemeanor" has the meaning specified in section 556.016.

(18) "Offense" means any felony, misdemeanor or infraction.

(19) "Physical injury" means physical pain, illness, or any impairment of physical condition.

(20) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.

(21) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of his employment. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses.

(22) "Purposely" has the meaning specified in section 562.016.

(23) "Recklessly" has the meaning specified in section 562.016.

(24) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(25) "Voluntary act" has the meaning specified in section 562.011.

557.011. Authorized dispositions.—1. Every person found guilty of an offense

shall be dealt with by the court in accordance with the provisions of this chapter, except that for offenses defined outside this code and not repealed, the term of imprisonment or the fine that may be imposed is that provided in the statute defining the offense; however, the conditional release term of any sentence of a term of years shall be determined as provided in subsection 4 of section 558.011.

2. Whenever any person has been found guilty of a felony or a misdemeanor the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

- (1) Sentence the person to a term of imprisonment as authorized by chapter 558.
- (2) Sentence the person to pay a fine as authorized by chapter 560.
- (3) Suspend the imposition of sentence, with or without placing the person on probation.
- (4) Pronounce sentence and suspend its execution, placing the person on probation.
- (5) Impose a period of detention as a condition of probation, as authorized by section 559.026.

3. Whenever any person has been found guilty of an infraction, the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

- (1) Sentence the person to pay a fine as authorized by chapter 560.
- (2) Suspend the imposition of sentence, with or without placing the person on probation.
- (3) Pronounce sentence and suspend its execution, placing the person on probation.

4. Whenever any organization has been found guilty of an offense, the court shall make one or more of the following dispositions of the organization in any appropriate combination. The court may:

- (1) Sentence the organization to pay a fine as authorized by chapter 560.
- (2) Suspend the imposition of sentence, with or without placing the organization on probation.
- (3) Pronounce sentence and suspend its execution, placing the organization on probation.
- (4) Impose any special sentence or sanction authorized by law.

5. This chapter shall not be construed to deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. An appropriate order exercising such authority may be included as part of any sentence.

557.016. Classification of offenses.—1. Felonies are classified for the purpose of sentencing into the following four categories:

- (1) Class A felonies;
- (2) Class B felonies;
- (3) Class C felonies; and
- (4) Class D felonies.

2. Misdemeanors are classified for the purpose of sentencing into the following three categories:

- (1) Class A misdemeanors;
- (2) Class B misdemeanors; and
- (3) Class C misdemeanors.

3. Infractions are not further classified.

557.021. Classification of offenses outside this code.—1. Any offense defined outside this code which is declared to be a misdemeanor without specification of the penalty therefor is a class A misdemeanor.

2. Any offense defined outside this code which is declared to be a felony without specification of the penalty therefor is a class D felony.

3. For the purpose of applying the extended term provisions of section 558.016. and for determining the penalty for attempts and conspiracies, offenses defined outside of this code shall be classified as follows:

- (1) If the offense is a felony
 - (a) It is a class A felony if the authorized penalty includes death, life imprisonment or imprisonment for a term of 20 years or more;
 - (b) It is a class B felony if the maximum term of imprisonment authorized exceeds 10 years but is less than 20 years;
 - (c) It is a class C felony if the maximum term of imprisonment authorized is 10 years;
 - (d) It is a class D felony if the maximum term of imprisonment is less than 10 years;
- (2) If the offense is a misdemeanor
 - (a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in jail;
 - (b) It is a class B misdemeanor if the authorized imprisonment exceeds 30 days but is not more than six months;
 - (c) It is a class C misdemeanor if the authorized imprisonment is 30 days or less;
 - (d) It is an infraction if there is no authorized imprisonment.

557.026. Presentence investigation and report.—1. When a probation officer is available to any court, such probation officer shall, unless waived by the defendant, make a presentence investigation in all felony cases and report to the court before any authorized disposition under section 557.011. In all other cases before the court a probation officer shall, if directed by the court, make a presentence investigation and report to the court before any authorized disposition under section 557.011. The report shall not be submitted to the court or its contents disclosed to anyone until the defendant has pleaded guilty or been found guilty.

2. The presentence investigation report shall be prepared, presented and utilized as provided by rule of court except that no court shall prevent the defendant or the attorney for the defendant from having access to the complete presentence investigation report and recommendations before any authorized disposition under section 557.011.

3. The defendant shall not be obligated to make any statement to a probation officer in connection with any presentence investigation hereunder.

557.031. Presentence commitment for study.—1. In felony cases where the circumstances surrounding the commission of the crime or other circumstances brought to the attention of the court indicate a strong likelihood that the defendant is suffering from a mental disease or disorder, and the court desires more detailed information about the defendant's mental condition before making an authorized disposition under section 557.011, it may order the commitment of the defendant for mental examination.

2. The court may commit the defendant to a facility of the Department of Mental Health or to a hospital and order the defendant examined by such person or persons as the court or that department or hospital may designate. The cost of guarding and transporting any confined defendant to and from any such facility or other place of examination shall be borne by the county. Any commitment shall be for a period not exceeding thirty days unless extended by the order of the court.

3. Within forty days after the order the person or persons making such examination or examinations shall transmit to the court a report thereof including answers to any specific questions submitted by the court. The clerk of the court shall immediately supply copies of the report to the prosecuting attorney and to the defendant or his attorney.

4. Any period of commitment to a facility of the Department of Mental Health or to a hospital for the purpose of this section shall be credited against any term of imprisonment imposed upon the defendants.

557.036. Role of court and jury in sentencing—jury informed of penalties.—

1. Subject to the limitations provided in subsection 3 upon a finding of guilt upon verdict or plea, the court shall decide the extent or duration of sentence or other disposition to be imposed under all the circumstances, having regard to the nature and circumstances of the offense and the history and character of the defendant and render judgment accordingly.

2. The court shall instruct the jury as to the range of punishment authorized by statute and upon a finding of guilt to assess and declare the punishment as a part of their verdict, unless the defendant requests in writing that the court assess the punishment in case of a finding of guilt. If the jury finds the defendant guilty but cannot agree on the punishment to be assessed, the court shall proceed as provided in subsection 1 of this section. If there be a trial by jury and the jury is to assess punishment and if after due deliberation by the jury the court finds the jury cannot agree on punishment then the court may instruct the jury that if it cannot agree on punishment that it may return its verdict without assessing punishment and the court will assess punishment.

3. If the jury returns a verdict of guilty and declares a term of imprisonment as provided in subsection 2 of this section the court shall proceed as provided in subsection 1 of this section except that any term of imprisonment imposed cannot exceed the term declared by the jury unless:

(1) The term declared by the jury is less than the authorized lowest term for the offense, in which event the court cannot impose a term of imprisonment greater than the lowest term provided for the offense; or

(2) The defendant is found to be a persistent or dangerous offender as provided in section 558.016 in which case:

(a) If he has been found guilty of a class B, C, or D felony, the court shall proceed as provided in section 558.016; or

(b) If he has been found guilty of a class A felony, the court may impose any sentence authorized for a class A' felony.

558.011. Sentence of imprisonment—incidents.—1. The authorized terms of imprisonment, including both prison and conditional release terms are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment.

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years.

(3) For a class C felony, a term of not to exceed seven years.

(4) For a class D felony, a term of years not to exceed five years.

(5) For a class A misdemeanor, a term not to exceed one year.

(6) For a class B misdemeanor, a term not to exceed six months.

(7) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class C and D felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class C or D felony, it shall commit the person to the custody of the department of corrections for a term of years not less than two years and not exceeding the maximum authorized terms provided in subdivisions (3) and (4) of subsection 1 of this section.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the defendant to the custody of the division of corrections for the term imposed under Section 557.036 or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the defendant to the county jail or other authorized penal institution for the term of his sentence or until released under procedures established elsewhere by law.

4. (1) A sentence of imprisonment for a term of years shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under Section 557.036 shall be:

- (a) One-third for terms of nine years or less;
- (b) Three years for terms between nine and fifteen years;
- (c) Five years for terms more than fifteen years, including life imprisonment; and the prison term shall be the remainder of such term.

(2) "Conditional release" means the conditional discharge of a prisoner by the division of corrections subject to conditions of release that the state board of probation and parole deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state board of probation and parole. The conditions of release shall include avoidance by the offender of any other crime, federal or state, and shall prohibit technical violation of his probation and parole.

558.016. Extended terms for dangerous offenders.—1. The court may sentence a person who has pleaded guilty to or has been found guilty of a class B, C, or D felony to an extended term of imprisonment if it finds the defendant is a persistent offender or a dangerous offender.

2. A persistent offender is one who has been previously convicted of two felonies committed at different times and not related to the instant crime as a single criminal episode.

3. A dangerous offender is one who:

(1) Is being sentenced for a felony during the commission of which he knowingly murdered or endangered or threatened the life of another person or knowingly inflicted or attempted or threatened to inflict serious physical injury on another person; and

(2) Has been previously convicted of a class A or B felony or of a dangerous felony.

4. The total authorized maximum terms of imprisonment for a persistent offender or a dangerous offender are:

(1) For a class B felony, a term of years not to exceed thirty years;

(2) For a class C felony, a term of years not to exceed fifteen years;

(3) For a class D felony, a term of years not to exceed ten years.

558.021. Extended term procedures.—1. The court shall not impose an extended term under section 558.016 unless

(1) The indictment or information, original, amended or in lieu of an indictment, pleads all essential facts warranting imposition of an extended term; and

(2) After a finding of guilty or a plea of guilty, a sentencing hearing is held at which evidence establishing the basis for an extended term is presented in open court with full rights of confrontation and cross-examination, and with the defendant having the opportunity to present evidence; and

(3) The court determines the existence of the basis for the extended term and makes specific findings to that effect.

2. Nothing in this section shall prevent the use of presentence investigations or commitments under sections 557.026 and 557.031.

3. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

558.026. Concurrent and consecutive terms of imprisonment.—1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively.

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify

how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

558.031. Calculation of terms of imprisonment—credit for jail time awaiting trial.—1. A person convicted of a crime in this state shall receive a credit toward service of a sentence of imprisonment all time spent by him in prison or jail both because awaiting trial for such crime and pending transfer after conviction to the division of corrections or the place of confinement to which he was sentenced. Time required by law to be credited upon some other sentence shall be applied to that sentence alone, except that

(1) Time spent in jail or prison awaiting trial for an offense because of a detainer for such offense shall be credited toward service of a sentence of imprisonment for that offense even though the person was confined awaiting trial for some unrelated bailable offense; and

(2) Credit for jail or prison time shall be applied to each sentence if they are concurrent.

2. The officer required by law to deliver a convicted person to the division of corrections shall endorse upon the commitment papers the period of time to be credited as provided in subsection 1 of this section.

3. If a sentence of imprisonment is vacated and a new sentence is imposed on the defendant for the same offense, the new sentence is calculated as if it had commenced at the time the vacated sentence was imposed, and all time served under the vacated sentence shall be credited against the new sentence.

4. If a person serving a sentence of imprisonment escapes from custody, the escape interrupts the sentence. The interruption continues until the person is returned to the institution in which the sentence was being served, or in the case of one committed to the custody of the department of correction, to any institution administered by the department.

5. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his parole or release, he may be treated as a parole violator under the provisions of section 549.265 RSMo. If the board of probation and parole revokes the parole or conditional release, the paroled person shall serve the remainder of his prison term and all the conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as an additional prison term, unless he is sooner released on parole under section 549.261 RSMo.

559.011. Eligible for probation, when.—The court may place a person on probation for a specific period upon conviction of any offense or upon suspending imposition of sentence if, having regard to the nature and circumstances of the offense and to the history and character of the defendant, the court is of the opinion that

(1) Institutional confinement of the defendant is not necessary for the protection of the public; and

(2) The defendant is in need of guidance, training or other assistance which, in his case, can be effectively administered through probation supervision.

559.016. Terms of probation.—1. Unless terminated as provided in section 559.036, the terms during which probation shall remain conditional and be subject to revocation are:

(1) A term of years not less than one year and not to exceed five years for a felony.

(2) A term not less than six months and not to exceed two years for a misdemeanor.

(3) A term not less than six months and not to exceed one year for an infraction.

2. The court shall designate a specific term of probation at the time of sentencing or at the time of suspension of imposition of sentence.

559.021. Conditions of probation.—1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to insure that the

defendant will not again violate the law. When a defendant is placed on probation, he shall be given a certificate explicitly stating the conditions on which he is being released.

2. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

559.026. Detention condition of probation.—Except in infraction cases, when probation is granted the court, in addition to conditions imposed under section 559.021, may require as a condition of probation that the defendant submit to a period of detention in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170 even though he was not convicted and sentenced to a jail or workhouse.

(1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of fifteen days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558.

(2) In felony cases, the period of detention under this section shall not exceed sixty days.

(3) If probation is revoked and a term of imprisonment is served by reason thereof the time spent in a jail, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.

559.031. Transfer to another court.—Jurisdiction over a probationer may be transferred from the court which imposed probation to a court having equal jurisdiction over offenders in any other part of the state, with the concurrence of both courts. Retransfers of jurisdiction may also occur in the same manner. The court to which jurisdiction has been transferred under this subsection shall be authorized to exercise all powers permissible under this chapter over the defendant, except that the term of probation shall not be terminated without the consent of the sentencing court.

559.036. Duration of probation—revocation.—1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. Procedures for termination and discharge may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him on the existing conditions, with or without modifying or enlarging the conditions, or, if such continuation, modification, or enlargement is not appropriate, may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation.

4. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether he violated a condition of probation and, if he did, whether revocation is warranted under all the circumstances.

5. At any time during the term of probation the court may issue a notice to the

probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court.

6. Any probation officer, if he has probable cause to believe that the probationer has violated a condition of probation, may arrest the probationer without a warrant, or may deputize any other officer with the power of arrest to do so by giving him a written statement of the circumstances of the alleged violation, including a statement that the probationer has, in the judgment of the probation officer, violated the conditions of his probation. The written statement, delivered with the probationer to the official in charge of any jail or other detention facility, shall be sufficient authority for detaining the probationer pending a preliminary hearing on the alleged violation.

7. If the probationer is arrested under the authority granted in subsections 5 and 6 he shall have the right to a preliminary hearing on the violation charged. He shall be notified immediately in writing of the alleged probation violation. If he is arrested in the jurisdiction of the sentencing court, and the court which placed him on probation is immediately available, the preliminary hearing shall be heard by the sentencing court. Otherwise, he shall be taken before a judge or magistrate in the county of the alleged violation or arrest having original jurisdiction to try criminal offenses, or before an impartial member of the staff of the Missouri board of probation and parole and the preliminary hearing shall be held as soon as possible after the arrest. Such preliminary hearings shall be conducted as provided by rule of court or by rules of the Missouri board of probation and parole. If it appears that there is probable cause to believe that the probationer has violated a condition of his probation, or if the probationer waives the preliminary hearing, the judge or magistrate, or member of the staff of the Missouri board of probation and parole shall order the probationer held for further proceedings in the sentencing court. If probable cause is not found, this shall not bar the sentencing court from holding a hearing on the question of the probationer's alleged violation of a condition of probation nor from ordering the probationer to be present at such a hearing. Provisions regarding release on bail of persons charged with offenses shall be applicable to probationers arrested and ordered held under this provision.

8. Upon such arrest and detention, the probation officer shall immediately notify the sentencing court and shall submit to the court a written report showing in what manner the probationer has violated the conditions of probation. Thereupon, or upon arrest by warrant, the court shall cause the probationer to be brought before it without unnecessary delay for a hearing on the violation charged. Revocation hearings shall be conducted as provided by rule of court.

9. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

560.011. Fines for felonies.—1. A person who has been convicted of a class C or D felony may be sentenced

(1) To pay a fine which does not exceed five thousand dollars; or

(2) If the offender has gained money or property through the commission of the crime, to pay an amount, fixed by the court, not exceeding double the amount of the offender's gain from the commission of the crime. An individual offender may be fined not more than twenty thousand dollars under this provision.

2. As used in this section the term "gain" means the amount of money or the value of property derived from the commission of the crime. The amount of money or value of property returned to the victim of the crime or seized by or surrendered to lawful

authority prior to the time sentence is imposed shall be deducted from the fine. When the court imposes a fine based on gain the court shall make a finding as to the amount of the offender's gain from the crime. If the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue.

3. The provisions of this section shall not apply to corporations.

560.016. Fines for misdemeanors and infractions.—1. Except as otherwise provided for an offense outside this code, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine which does not exceed:

- (1) For a class A misdemeanor, one thousand dollars.
- (2) For a class B misdemeanor, five hundred dollars.
- (3) For a class C misdemeanor, three hundred dollars.
- (4) For an infraction, two hundred dollars.

2. In lieu of a fine imposed under subsection 1, a person who has been convicted of a misdemeanor or infraction through which he derived "gain" as defined in section 560.011, may be sentenced to a fine which does not exceed double the amount of gain from the commission of the offense. An individual offender may be fined not more than twenty thousand dollars under this provision.

560.021. Fines for corporations.—1. A sentence to pay a fine, when imposed on a corporation for an offense defined in this code or for any offense defined outside this code for which no special corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, not exceeding:

- (1) Ten thousand dollars, when the conviction is of a felony.
- (2) Five thousand dollars, when the conviction is of a class A misdemeanor.
- (3) Two thousand dollars, when the conviction is of a class B misdemeanor.
- (4) One thousand dollars, when the conviction is of a class C misdemeanor.
- (5) Five hundred dollars, when the conviction is of an infraction.
- (6) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense, as determined under section 560.011.

2. In the case of an offense defined outside the code, if a special fine for a corporation is expressly specified in the statute that defines the offense, the fine fixed by the court shall be

- (1) An amount within the limits specified in the statute that defines the offense; or
- (2) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense, as determined under section 560.011.

560.026. Imposition of fines.—1. In determining the amount and the method of payment of a fine, the court shall, insofar as practicable, proportion the fine to the burden that payment will impose in view of the financial resources of an individual. The court shall not sentence an offender to pay a fine in any amount which will prevent him from making restitution or reparation to the victim of the offense.

2. When any other disposition is authorized by statute, the court shall not sentence an individual to pay a fine only unless, having regard to the nature and circumstances of the offense and the history and character of the offender, it is of the opinion that the fine alone will suffice for the protection of the public.

3. The court shall not sentence an individual to pay a fine in addition to any other sentence authorized by section 557.011, RSMo, unless

- (1) He has derived a pecuniary gain from the offense; or
- (2) The court is of the opinion that a fine is uniquely adapted to deterrence of the type of offense involved or to the correction of the defendant.

4. When an offender is sentenced to pay a fine, the court may provide for the payment to be made within a specified period of time or in specified installments. If no such provision is made a part of the sentence, the fine shall be payable forthwith.

5. When an offender is sentenced to pay a fine, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The

response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in section 560.031.

560.031. Response to nonpayment.—1. When an offender sentenced to pay a fine defaults in the payment of the fine or in any installment, the court upon motion of the prosecuting attorney or upon its own motion may require him to show cause why he should not be imprisoned for nonpayment. The court may issue a warrant of arrest or summons for his appearance.

2. Following an order to show cause under subsection 1, unless the offender shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, the court may order the defendant imprisoned for a term not to exceed one hundred eighty days if the fine was imposed for conviction of a felony or thirty days if the fine was imposed for conviction of a misdemeanor or infraction. The court may provide in its order that payment or satisfaction of the fine at any time will entitle the offender to his release from such imprisonment or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of the fine.

3. If it appears that the default in the payment of a fine is excusable under the standards set forth in subsection 2, the court may enter an order allowing the offender additional time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion in whole or in part.

4. When a fine is imposed on a corporation it is the duty of the person or persons authorized to make disbursement of the assets of the corporation and their superiors to pay the fine from the assets of the corporation. The failure of such persons to do so shall render them subject to imprisonment under subsections 1 and 2.

5. Upon default in the payment of a fine or any installment thereof, the fine may be collected by any means authorized for the enforcement of money judgments.

560.036. Revocation of a fine.—A defendant who has been sentenced to pay a fine may at any time petition the sentencing court for a revocation of a fine or any unpaid portion thereof. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine no longer exist or that it would otherwise be unjust to require payment of the fine, the court may revoke the fine or the unpaid portion in whole or in part or may modify the method of payment.

561.016. Basis of disqualification or disability.—1. No person shall suffer any legal disqualification or disability because of a finding of guilt or conviction of a crime or the sentence on his conviction, unless the disqualification or disability involves the deprivation of a right or privilege which is

- (1) Necessarily incident to execution of the sentence of the court; or
- (2) Provided by the constitution or the code; or
- (3) Provided by a statute other than the code, when the conviction is of a crime defined by such statute; or
- (4) Provided by the judgment, order or regulation of a court, agency or official exercising a jurisdiction conferred by law, or by the statute defining such jurisdiction, when the commission of the crime or the conviction or the sentence is reasonably related to the competency of the individual to exercise the right or privilege of which he is deprived.

2. Proof of a conviction as relevant evidence upon the trial or determination of any issue, or for the purpose of impeaching the convicted person as a witness, is not a disqualification or disability within the meaning of this chapter.

561.021. Forfeiture of public office—disqualification.—1. A person holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, who is convicted of a crime shall forfeit such office if

(1) He is convicted under the laws of this state of a felony or under the laws of another jurisdiction of a crime which, if committed within this state, would be a felony; or

(2) He is convicted of a crime involving misconduct in office, or dishonesty; or

(3) The constitution or a statute other than the code so provides.

2. Except as provided in subsection 3, a person convicted under the laws of this state of a felony or under the laws of another jurisdiction of a crime which, if committed within this state would be a felony, shall be ineligible to hold any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, until the completion of his sentence or period of probation.

3. A person convicted under the laws of this state or under the laws of another jurisdiction of a felony connected with the exercise of the right of suffrage shall be forever disqualified from holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof.

561.026. Disqualification from voting and jury service.—Notwithstanding any other provision of law, a person who is convicted:

(1) Of any crime shall be disqualified from registering and voting in any election under the laws of this state while confined under a sentence of imprisonment.

(2) Of a felony connected with the exercise of the right of suffrage shall be forever disqualified from registering and voting.

(3) Of any felony shall be forever disqualified from serving as a juror.

562.011. Voluntary act.—1. A person is not guilty of an offense unless his liability is based on conduct which includes a voluntary act.

2. A voluntary act is

(1) A bodily movement performed while conscious as a result of effort or determination; or

(2) An omission to perform an act of which the actor is physically capable.

3. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his control for a sufficient time to have enabled him to dispose of it or terminate his control.

4. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

562.016. Culpable mental state.—1. Except as provided in section 562.026, a person is not guilty of an offense unless he acts with a culpable mental state, that is, unless he acts purposely or knowingly or recklessly or with criminal negligence, as the statute defining the offense may require with respect to the conduct, the result thereof or the attendant circumstances which constitute the material elements of the crime.

2. A person acts purposely, or with purpose, with respect to his conduct or to a result thereof when it is his conscious object to engage in that conduct or to cause that result.

3. A person acts knowingly, or with knowledge,

(1) With respect to his conduct or to attendant circumstances when he is aware of the nature of his conduct or that those circumstances exist, or

(2) With respect to a result of his conduct when he is aware that his conduct is practically certain to cause that result.

4. A person acts recklessly or is reckless when he consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

5. A person acts with criminal negligence or is criminally negligent when he fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

562.021. Culpable mental state, application.—1. If the definition of an offense prescribes a culpable mental state but does not specify the conduct, attendant circumstances or result to which it applies, the prescribed culpable mental state applies to each such material element.

2. Except as provided in section 562.026 if the definition of an offense does not expressly prescribe a culpable mental state, a culpable mental state is nonetheless required and is established if a person acts purposely or knowingly or recklessly, but criminal negligence is not sufficient.

3. If the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts purposely or knowingly or recklessly. When recklessness suffices to establish a culpable mental state, it is also established if a person acts purposely or knowingly. When acting knowingly suffices to establish a culpable mental state, it is also established if a person acts purposely.

4. Knowledge that conduct constitutes an offense, or knowledge of the existence, meaning or application of the statute defining an offense is not an element of an offense unless the statute clearly so provides.

562.026. Culpable mental state, when not required.—A culpable mental state is not required

(1) If the offense is an infraction and no culpable mental state is prescribed by the statute defining the offense, or

(2) If the statute defining the offense clearly indicates a purpose to dispense with the requirement of any culpable mental state as to a specific element of the offense.

562.031. Ignorance and mistake.—1. A person is not relieved of criminal liability for conduct because he engages in such conduct under a mistaken belief of fact or law unless such mistake negatives the existence of the mental state required by the offense.

2. A person is not relieved of criminal liability for conduct because he believes his conduct does not constitute an offense unless his belief is reasonable and

(1) The offense is defined by an administrative regulation or order which is not known to him and has not been published or otherwise made reasonably available to him, and he could not have acquired such knowledge by the exercise of due diligence pursuant to facts known to him; or

(2) He acts in reasonable reliance upon an official statement of the law, afterward determined to be invalid or erroneous, contained in

(a) A statute;

(b) An opinion or order of an appellate court;

(c) An official interpretation of the statute, regulation or order defining the offense made by a public official or agency legally authorized to interpret such statute, regulation or order.

3. The burden of injecting the issue of reasonable belief that conduct does not constitute an offense under subdivisions (1) and (2) of subsection 2 is on the defendant.

562.036. Accountability for conduct.—A person with the required culpable mental state is guilty of an offense if it is committed by his own conduct or by the conduct of another person for which he is criminally responsible, or both.

562.041. Responsibility for the conduct of another.—1. A person is criminally responsible for the conduct of another when

(1) The statute defining the offense makes him so responsible; or

(2) Either before or during the commission of an offense with the purpose of promoting the commission of an offense, he aids or agrees to aid or attempts to aid such other person in planning, committing or attempting to commit the offense.

2. However, a person is not so responsible if:

(1) He is the victim of the offense committed or attempted.

(2) The offense is so defined that his conduct was necessarily incident to the

commission or attempt to commit the offense. If his conduct constitutes a related but separate offense, he is criminally responsible for that offense but not for the conduct or offense committed or attempted by the other person.

(3) Before the commission of the offense he abandons his purpose and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.

3. The defense provided by subdivision (3) of subsection 2 is an affirmative defense.

562.046. Defense precluded.—It is no defense to any prosecution for an offense in which the criminal responsibility of the defendant is based upon the conduct of another that

(1) Such other person has been acquitted or has not been convicted or has been convicted of some other offense or degree of offense or lacked criminal capacity or was unaware of the defendant's criminal purpose or is immune from prosecution or is not amenable to justice; or

(2) The defendant does not belong to that class of persons who was legally capable of committing the offense in an individual capacity.

562.051. Conviction of different degrees of offenses.—Except as otherwise provided, when two or more persons are criminally responsible for an offense which is divided into degrees, each person is guilty of such degree as is compatible with his own culpable mental state with his own accountability for an aggravating or mitigating fact or circumstance.

562.056. Liability of corporations and unincorporated associations.—1. A corporation is guilty of an offense if

(1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or

(2) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his employment and in behalf of the corporation, and the offense is a misdemeanor or an infraction, or the offense is one defined by a statute that clearly indicates a legislative intent to impose such criminal liability on a corporation; or

(3) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and in behalf of the corporation.

2. An unincorporated association is guilty of an offense if

(1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the association by law; or

(2) The conduct constituting the offense is engaged in by an agent of the association while acting within the scope of his employment and in behalf of the association and the offense is one defined by a statute that clearly indicates a legislative intent to impose such criminal liability on the association.

3. As used in this section:

(1) "Agent" means any director, officer or employee of a corporation or unincorporated association or any other person who is authorized to act in behalf of the corporation or unincorporated association.

(2) "High managerial agent" means an officer of a corporation or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

562.061. Liability of individual for conduct of corporation or unincorporated association.—A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or in behalf of a corporation or unincorporated association to the same extent as if such conduct were performed in his own name or behalf.

562.066. Entrapment.—1. The commission of acts which would otherwise constitute an offense is not criminal if the actor engaged in the prescribed conduct because he was entrapped by a law enforcement officer or a person acting in cooperation with such an officer.

2. An entrapment is perpetrated if a law enforcement officer or a person acting in cooperation with such an officer, for the purpose of obtaining evidence of the commission of an offense, solicits, encourages or otherwise induces another person to engage in conduct when he was not ready and willing to engage in such conduct.

3. The relief afforded by subsection 1 is not available as to any crime which involves causing physical injury to or placing in danger of physical injury a person other than the person perpetrating the entrapment.

4. The defendant shall have the burden of injecting the issue of entrapment.

562.071. Duress.—1. It is an affirmative defense that the defendant engaged in the conduct charged to constitute an offense because he was coerced to do so, by the use of, or threatened imminent use of unlawful physical force upon him or a third person, which force or threatened force a person of reasonable firmness in his situation would have been unable to resist.

2. The defense of duress as defined in subsection 1 is not available:

(1) As to the crime of murder.

(2) As to any offense when the defendant recklessly places himself in a situation in which it is probable that he will be subjected to the force or threatened force described in subsection 1.

562.076. Intoxicated or drugged condition.—1. A person who is in an intoxicated or drugged condition whether from alcohol, drugs, or other substance, is criminally responsible for conduct unless such condition

(1) Negatives the existence of the mental states of purpose or knowledge when such mental states are elements of the offense charged or of an included offense; or

(2) Is involuntarily produced and deprived him of the capacity to know or appreciate the nature, quality or wrongfulness of his conduct or to conform his conduct to the requirements of law.

2. The defendant shall have the burden of injecting the issue of intoxicated or drugged condition.

562.081. Infancy.—1. No person shall be convicted of any offense unless he had attained his fourteenth birthday at the time the offense was committed.

2. The defendant shall have the burden of injecting the issue of infancy.

562.086. Lack of responsibility because of mental disease or defect.—1. A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he did not know or appreciate the nature, quality or wrongfulness of his conduct or was incapable of conforming his conduct to the requirements of law.

2. The procedures for the defense of lack of responsibility because of mental disease or defect are governed by the provisions of chapter 552, RSMo.

563.011. Chapter definitions.—As used in this chapter:

(1) "Deadly force" means physical force which the actor uses with the purpose of causing or which he knows to create a substantial risk of causing death or serious physical injury.

(2) "Dwelling" means any building or inhabitable structure, though movable or temporary, or a portion thereof, which is for the time being the actor's home or place of lodging.

(3) "Premises" includes any building, inhabitable structure and any real property.

(4) "Private person" means any person other than a law enforcement officer.

563.016. Civil remedies unaffected.—The fact that conduct is justified under

this chapter does not abolish or impair any remedy for such conduct which is available in any civil actions.

563.021. Execution of public duty.—1. Unless inconsistent with the provisions of this chapter defining the justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when such conduct is required or authorized by a statutory provision or by a judicial decree. Among the kinds of such provisions and decrees are:

(1) Laws defining duties and functions of public servants.

(2) Laws defining duties of private persons to assist public servants in the performance of their functions.

(3) Laws governing the execution of legal process.

(4) Laws governing the military services and the conduct of war.

(5) Judgments and orders of courts.

2. The defense of justification afforded by subsection 1 of this section applies:

(1) When a person reasonably believes his conduct to be required or authorized by the judgment or directions of a competent court or tribunal or in the legal execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process.

(2) When a person reasonably believes his conduct to be required or authorized to assist a public servant in the performance of his duties, notwithstanding that the public servant exceeded his legal authority.

3. The defendant shall have the burden of injecting the issue of justification under this section.

563.026. Justification generally.—1. Unless inconsistent with other provisions of this chapter defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute any crime other than a class A felony or murder is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the actor, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability of avoiding the injury outweighs the desirability of avoiding the injury sought to be prevented by the statute defining the crime charged.

2. The necessity and justifiability of conduct under subsection 1 may not rest upon considerations pertaining only to the morality and advisability of the statute, either in its general application or with respect to its application to a particular class of cases arising thereunder. Whenever evidence relating to the defense of justification under this section is offered, the court shall rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a justification.

3. The defense of justification under this section is an affirmative defense.

563.031. Use of force in defense of persons.—1. A person may, subject to the provisions of subsection 2, use physical force upon another person when and to the extent he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his use of force is nevertheless justifiable provided

(a) He has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force, or

(b) He is a law enforcement officer and as such is an aggressor pursuant to section 563.046, or

(c) The aggression is justified under some other provision of this chapter or other provision of law.

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he seeks to protect would not be justified in using such protective force.

2. A person may not use deadly force upon another person under the circumstances specified in subsection 1 unless he reasonably believes that such deadly force is necessary to protect himself or another against death, serious physical injury, rape, sodomy or kidnapping.

3. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

4. The defendant shall have the burden of injecting the issue of justification under this section.

563.036. Use of physical force in defense of premises.—1. A person in possession or control of premises or a person who is licensed or privileged to be thereon, may, subject to the provisions of subsection 2, use physical force upon another person when and to the extent that he reasonably believes it necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission of the crime of trespass by the other person.

2. A person may use deadly force under circumstances described in subsection 1 above only

(1) When such use of deadly force is authorized under other sections of this chapter; or

(2) When he reasonably believes it necessary to prevent what he reasonably believes to be an attempt by the trespasser to commit arson or burglary upon his dwelling.

3. The defendant shall have the burden of injecting the issue of justification under this section.

563.041. Use of physical force in defense of property.—1. A person may, subject to the limitations of subsection 2, use physical force upon another person when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the commission or attempted commission by such person of stealing, property damage or tampering in any degree.

2. A person may use deadly force under circumstances described in subsection 1 only when such use of deadly force is authorized under other sections of this chapter.

3. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

4. The defendant shall have the burden of injecting the issue of justification under this section.

563.046. Law enforcement officer's use of force in making an arrest.—1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, he is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

3. A law enforcement officer in effecting an arrest or in preventing an escape from custody is justified in using deadly force only

(1) When such is authorized under other sections of this chapter; or

(2) When he reasonably believes that such use of deadly force is immediately

necessary to effect the arrest and also reasonably believes that the person to be arrested

- (a) Has committed or attempted to commit a felony; or
- (b) Is attempting to escape by use of a deadly weapon; or
- (c) May otherwise endanger life or inflict serious physical injury unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.

563.051. Private person's use of force in making an arrest.—1. A private person who has been directed by a person he reasonably believes to be a law enforcement officer to assist such officer to effect an arrest or to prevent escape from custody may, subject to the limitations of subsection 3, use physical force when and to the extent that he reasonably believes such to be necessary to carry out such officer's direction unless he knows or believes that the arrest or prospective arrest is not or was not authorized.

2. A private person acting on his own account may, subject to the limitations of subsection 3, use physical force to effect arrest or prevent escape only when and to the extent such is immediately necessary to effect the arrest, or to prevent escape from custody, of a person whom he reasonably believes to have committed a crime and who in fact has committed such crime.

3. A private person in effecting an arrest or in preventing escape from custody is justified in using deadly force only

- (1) When such is authorized under other sections of this chapter; or
- (2) When he reasonably believes such to be authorized under the circumstances and he is directed or authorized by a law enforcement officer to use deadly force; or
- (3) When he reasonably believes such use of deadly force is immediately necessary to effect the arrest of a person who at that time and in his presence
 - (a) Committed or attempted to commit a class A felony or murder, or
 - (b) Is attempting to escape by use of a deadly weapon.

4. The defendant shall have the burden of injecting the issue of justification under this section.

563.056. Use of force to prevent escape from confinement.—1. Except as provided in section 216.445, RSMo, a guard or other law enforcement officer may, subject to the provisions of subsection 2, use physical force when he reasonably believes such to be immediately necessary to prevent escape from confinement or in transit thereto or therefrom.

2. A guard or other law enforcement officer may use deadly force under circumstances described in subsection 1 only

- (1) When such use of deadly force is authorized under other sections of this chapter; or
- (2) When he reasonably believes there is a substantial risk that the escapee will endanger human life or cause serious physical injury unless the escape is prevented.

3. The defendant shall have the burden of injecting the issue of justification under this section.

563.061. Use of force by persons with responsibility for care, discipline or safety of others.—1. The use of physical force by an actor upon another person is justifiable when the actor is a parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person or when the actor is a teacher or other person entrusted with the care and supervision of a minor for a special purpose, and

- (1) The actor reasonably believes that the force used is necessary to promote the welfare of a minor or incompetent person, or, if the actor's responsibility for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and

- (2) The force used is not designed to cause or believed to create a substantial risk of

causing death, serious physical injury, disfigurement, extreme pain or extreme emotional distress.

2. A warden or other authorized official of a jail, prison or correctional institution may, in order to maintain order and discipline, use whatever physical force including deadly force, that is authorized by law.

3. The use of physical force by an actor upon another person is justifiable when the actor is a person responsible for the operation of or the maintenance of order in a vehicle or other carrier of passengers and the actor reasonably believes that such force is necessary to prevent interference with its operation or to maintain order in the vehicle or other carrier, except that deadly force may be used only when the actor reasonably believes it necessary to prevent death or serious physical injury.

4. The use of physical force by an actor upon another person is justified when the actor is a physician or a person assisting at his direction, and

(1) The force is used for the purpose of administering a medically acceptable form of treatment which the actor reasonably believes to be adapted to promoting the physical or mental health of the patient; and

(2) The treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of the parent, guardian, or other person legally competent to consent on his behalf, or the treatment is administered in an emergency when the actor reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

5. The use of physical force by an actor upon another person is justifiable when the actor acts under the reasonable belief that

(1) Such other person is about to commit suicide or to inflict serious physical injury upon himself; and

(2) The force used is necessary to thwart such result.

6. The defendant shall have the burden of injecting the issue of justification under this section.

564.011. Attempt.—1. A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, he does any act which is a substantial step towards the commission of the offense. A substantial step is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

2. It is no defense to a prosecution under this section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

3. Unless otherwise provided, an attempt to commit an offense is a:

(1) Class B felony if the offense attempted is a class A felony.

(2) Class C felony if the offense attempted is a class B felony.

(3) Class D felony if the offense attempted is a class C felony.

(4) Class A misdemeanor if the offense attempted is a class D felony.

(5) Class C misdemeanor if the offense attempted is a misdemeanor of any degree.

564.016. Conspiracy.—1. A person is guilty of conspiracy with another person or persons to commit an offense if, with the purpose of promoting or facilitating its commission he agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such offense.

2. If a person guilty of conspiracy knows that a person with whom he conspires to commit an offense has conspired with another person or persons to commit the same offense, he is guilty of conspiring with such other person or persons to commit such offense, whether or not he knows their identity.

3. If a person conspires to commit a number of offenses, he is guilty of only one conspiracy so long as such multiple offenses are the object of the same agreement.

4. No person may be convicted of conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or by a person with whom he conspired.

5. (1) No one shall be convicted of conspiracy if, after conspiring to commit the offense, he prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his criminal purpose.

(2) The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under subdivision (1) of subsection 5.

6. For the purpose of time limitations on prosecutions:

(1) Conspiracy is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired.

(2) If an individual abandons the agreement, the conspiracy is terminated as to him only if he advises those with whom he has conspired of his abandonment or he informs the law enforcement authorities of the existence of the conspiracy and of his participation in it.

7. A person may not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

8. Unless otherwise provided, a conspiracy to commit an offense is a:

(1) Class B felony if the object of the conspiracy is a class A felony.

(2) Class C felony if the object of the conspiracy is a class B felony.

(3) Class D felony if the object of the conspiracy is a class C felony.

(4) Class A misdemeanor if the object of the conspiracy is a class D felony.

(5) Class C misdemeanor if the object of the conspiracy is a misdemeanor of any degree or an infraction.

565.050. Assault in the first degree.—1. A person commits the crime of assault in the first degree if:

(1) He knowingly causes serious physical injury to another person; or

(2) He attempts to kill or to cause serious physical injury to another person; or

(3) Under circumstances manifesting extreme indifference to the value of human life he recklessly engages in conduct which creates a grave risk of death to another person and thereby causes serious physical injury to another person.

2. Assault in the first degree is a class B felony unless committed by means of a deadly weapon or dangerous instrument in which case it is a class A felony.

565.060. Assault in the second degree.—1. A person commits the crime of assault in the second degree if:

(1) He knowingly causes or attempts to cause physical injury to another person by means of a deadly weapon or dangerous instrument; or

(2) He recklessly causes serious physical injury to another person; or

(3) He attempts to kill or to cause serious physical injury or causes serious physical injury under circumstances that would constitute assault in the first degree under section 565.050, but

(a) Acts under the influence of extreme emotional disturbance for which there is a reasonable explanation or excuse. The reasonableness of the explanation or excuse shall be determined from the viewpoint of an ordinary person in the actor's situation under the circumstances as the actor believes them to be; or

(b) At the time of the act, he believes the circumstances to be such that, if they existed, would justify killing or inflicting serious physical injury under the provisions of chapter 563 of this code, but his belief is unreasonable.

2. The defendant shall have the burden of injecting the issues of extreme emotional disturbance under paragraph (a) of subdivision (3) of subsection 1 or belief in circumstances amounting to justification under paragraph (b) of subdivision (3) of subsection 1.

3. Assault in the second degree is a class D felony.

565.070. Assault in the third degree.—1. A person commits the crime of assault in the third degree if:

- (1) He attempts to cause or recklessly causes physical injury to another person; or
- (2) With criminal negligence he causes physical injury to another person by means of a deadly weapon; or
- (3) He purposely places another person in apprehension of immediate physical injury; or
- (4) He recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
- (5) He knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

2. Assault in the third degree is a class A misdemeanor unless committed under subdivision (3) or (5) of subsection 1 in which case it is a class C misdemeanor.

565.080. Consent as a defense.—1. When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if:

- (1) The physical injury consented to or threatened by the conduct is not serious physical injury; or
- (2) The conduct and the harm are reasonably foreseeable hazards of
 - (a) The victim's occupation or profession; or
 - (b) Joint participation in lawful athletic contest or competitive sport; or
- (3) The consent establishes a justification for the conduct under chapter 563 of this code.

2. The defendant shall have the burden of injecting the issue of consent.

565.090. Harassment.—1. A person commits the crime of harassment if for the purpose of frightening or disturbing another person, he

- (1) Communicates in writing or by telephone a threat to commit any felony; or
 - (2) Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility; or
 - (3) Makes a telephone call anonymously; or
 - (4) Makes repeated telephone calls.
2. Harrassment is a class A misdemeanor.

565.100. Lack of consent in kidnapping and crimes involving restraint.—

1. It is an element of the offenses described in sections 565.110 through 565.130 of this chapter that the confinement, movement or restraint be committed without the consent of the victim.

2. Lack of consent results from:

- (1) Forcible compulsion, or
- (2) Incapacity to consent.

3. A person is deemed incapable of consent if he is

- (1) Less than fourteen years old, or
- (2) Incapacitated.

565.110. Kidnapping.—1. A person commits the crime of kidnapping if he unlawfully removes another without his consent from the place where he is found or unlawfully confines another without his consent for a substantial period, for the purpose of

- (1) Holding that person for ransom or reward, or for any other act to be performed or not performed for the return or release of that person; or
- (2) Using the person as a shield or as a hostage; or
- (3) Interfering with the performance of any governmental or political function; or
- (4) Facilitating the commission of any felony or flight thereafter; or
- (5) Inflicting physical injury on or terrorizing the victim or another.

2. Kidnapping is a class A felony unless committed under subdivision (4) or (5) of subsection 1 in which cases it is a class B felony.

565.120. Felonious restraint.—1. A person commits the crime of felonious restraint if he knowingly restrains another unlawfully and without consent so as to interfere substantially with his liberty and exposes him to a substantial risk of serious physical injury.

2. Felonious restraint is a class C felony.

565.130. False imprisonment.—1. A person commits the crime of false imprisonment if he knowingly restrains another unlawfully and without consent so as to interfere substantially with his liberty.

2. False imprisonment is a class A misdemeanor unless the person unlawfully restrained is removed from this state, in which case it is a class D felony.

565.140. Defenses to false imprisonment.—1. A person does not commit false imprisonment under section 565.130 if the person restrained is a child under the age of seventeen and

(1) A parent, guardian or other person responsible for the general supervision of the child's welfare has consented to the restraint; or

(2) The actor is a relative of the child, and

(a) The actor's sole purpose is to assume control of the child; and

(b) The child is not taken out of the state of Missouri.

2. For the purpose of this section, "relative" means a parent or stepparent, ancestor, sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or adoption.

3. The defendant shall have the burden of injecting the issue of a defense under this section.

565.150. Interference with custody.—1. A person commits the crime of interference with custody if, knowing that he has no legal right to do so, he takes or entices from lawful custody any person trusted by order of a court to the custody of another person or institution.

2. Interference with custody is a class A misdemeanor unless the person taken or enticed away from legal custody is removed from this state, in which case it is a class D felony.

566.010. Chapter definitions.—As used in this chapter:

(1) "Sexual intercourse" means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results;

(2) "Deviate sexual intercourse" means any sexual act involving the genitals of one person and the mouth, tongue, hand or anus of another person;

(3) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(4) Spouses living apart pursuant to a judgment of legal separation are not married to each other for the purposes of this chapter.

566.020. Mistake as to incapacity or age.—1. Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2. Whenever in this chapter the criminality of conduct depends upon a child's being under the age of fourteen, it is no defense that the defendant believed the child to be fourteen years old or older.

3. Whenever in this chapter the criminality of conduct depends upon a child's being fourteen or fifteen years of age, it is an affirmative defense that the defendant reasonably believed that the child was sixteen years old or older.

566.030. Rape.—1. A person commits the crime of rape if:

(1) He has sexual intercourse with another person to whom he is not married, without that person's consent by the use of forcible compulsion; or

(2) He has sexual intercourse with another person to whom he is not married who is less than fourteen years old.

2. Rape is a class B felony unless in the course thereof the actor inflicts serious physical injury on any person or displays a deadly weapon in a threatening manner in which cases rape is a class A felony.

566.040. Sexual assault in the first degree.—1. A person commits the crime of sexual assault in the first degree if he has sexual intercourse with another person to whom he is not married and who is incapacitated or who is fourteen or fifteen years old.

2. Sexual assault in the first degree is a class C felony unless in the course thereof the actor inflicts serious physical injury on any person or displays a deadly weapon in a threatening manner, in which cases the crime is a class B felony.

566.050. Sexual assault in the second degree.—1. A person commits the crime of sexual assault in the second degree if, being seventeen years old or more, he has sexual intercourse with another person to whom he is not married who is sixteen years old.

2. Sexual assault in the second degree is a class D felony unless in the course thereof the actor inflicts serious physical injury on any person or displays a deadly weapon in a threatening manner, in which cases the crime is a class C felony.

566.060. Sodomy.—1. A person commits the crime of sodomy if:

(1) He has deviate sexual intercourse with another person to whom he is not married, without that person's consent by the use of forcible compulsion; or

(2) He has deviate sexual intercourse with another person who is less than fourteen years old.

2. Sodomy is a class B felony unless in the course thereof the actor inflicts serious physical injury on any person or displays a deadly weapon, in which cases sodomy is a class A felony.

566.070. Deviate sexual assault in the first degree.—1. A person commits the crime of deviate sexual assault in the first degree if he has deviate sexual intercourse with another person to whom he is not married and who is incapacitated or who is fourteen or fifteen years old.

2. Deviate sexual assault in the first degree is a class C felony unless in the course thereof the actor inflicts serious physical injury on any person or displays a deadly weapon in a threatening manner, in which cases the crime is a class B felony.

566.080. Deviate sexual assault in the second degree.—1. A person commits the crime of deviate sexual assault in the second degree if, being seventeen years old or more, he has deviate sexual intercourse with another person to whom he is not married who is sixteen years old.

2. Deviate sexual assault in the second degree is a class D felony unless in the course thereof the actor inflicts serious physical injury on any person or displays a deadly weapon in a threatening manner, in which cases the crime is a class C felony.

566.090. Sexual misconduct.—1. A person commits the crime of sexual misconduct if:

(1) Being less than seventeen years old he has sexual intercourse with another person to whom he is not married who is fourteen or fifteen years old; or

(2) He engages in deviate sexual intercourse with another person to whom he is not married and who is under the age of seventeen years; or

(3) He has deviate sexual intercourse with another person of the same sex.

2. Sexual misconduct is a class A misdemeanor.

566.100. Sexual abuse in the first degree.—1. A person commits the crime of

sexual abuse in the first degree if:

(1) He subjects another person to whom he is not married to sexual contact without that person's consent by the use of forcible compulsion, or

(2) He subjects another person who is less than twelve years old to sexual contact.

2. Sexual abuse in the first degree is a class D felony unless in the course thereof the actor inflicts serious physical harm on any person or displays a deadly weapon in a threatening manner, in which cases the crime is a class C felony.

566.110. Sexual abuse in the second degree.—1. A person commits the crime of sexual abuse in the second degree if he subjects another person to whom he is not married to sexual contact, when the other person is incapacitated or twelve or thirteen years old.

2. Sexual abuse in the second degree is a class A misdemeanor unless in the course thereof the actor inflicts serious physical injury on any person or displays a deadly weapon in a threatening manner, in which cases the crime is a class D felony.

566.120. Sexual abuse in the third degree.—1. A person commits the crime of sexual abuse in the third degree if he subjects another person to whom he is not married to sexual contact without that person's consent.

2. Sexual abuse in the third degree is a class B misdemeanor unless in the course thereof the actor displays a deadly weapon in a threatening manner, in which case the crime is a class A misdemeanor.

566.130. Indecent exposure.—1. A person commits the crime of indecent exposure if he knowingly exposes his genitals under circumstances in which he knows that his conduct is likely to cause affront or alarm.

2. Indecent exposure is a class A misdemeanor.

567.010. Chapter definitions.—As used in this chapter, the following terms mean:

(1) "Promoting prostitution", a person "promotes prostitution" if, acting other than as a prostitute or a patron of a prostitute, he knowingly

(a) Causes or aids a person to commit or engage in prostitution; or

(b) Procures or solicits patrons for prostitution; or

(c) Provides persons or premises for prostitution purposes; or

(d) Operates or assists in the operation of a house of prostitution or a prostitution enterprise; or

(e) Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he participates or is to participate in proceeds of prostitution activity; or

(f) Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution;

(2) "Prostitution", a person commits "prostitution" if he engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person;

(3) "Patronizing prostitution", a person "patronizes prostitution" if

(a) Pursuant to a prior understanding, he gives something of value to another person as compensation for that person or a third person having engaged in sexual conduct with him or with another; or

(b) He gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with him or with another; or

(c) He solicits or requests another person to engage in sexual conduct with him or with another, or to secure a third person to engage in sexual conduct with him or with another, in return for something of value;

(4) "Sexual conduct" occurs when there is

(a) "Sexual intercourse" which means any penetration, however slight, of the

female sex organ by the male sex organ, whether or not an emission results; or

(b) "Deviate sexual intercourse" which means any sexual act involving the genitals of one person and the mouth, tongue or anus of another person; or

(c) "Sexual contact" which means any touching, manual or otherwise, of the anus or genitals of one person by another, done for the purpose of arousing or gratifying sexual desire of either party;

(5) "Something of value" means any money or property, or any token, object or article exchangeable for money or property.

567.020. Prostitution.—1. A person commits the crime of prostitution if he performs an act of prostitution.

2. Prostitution is a class B misdemeanor.

567.030. Patronizing prostitution.—1. A person commits the crime of patronizing prostitution if he patronizes prostitution.

2. Patronizing prostitution is a class B misdemeanor.

567.040. Prostitution and patronizing prostitution—sex of parties no defense, when.—In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that

(1) Both persons were of the same sex; or

(2) The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

567.050. Promoting prostitution in the first degree.—1. A person commits the crime of promoting prostitution in the first degree if he knowingly

(1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; or

(2) Promotes prostitution of a person less than sixteen years old.

2. The term "compelling" includes

(1) The use of forcible compulsion.

(2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature.

(3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.

3. Promoting prostitution in the first degree is a class B felony.

567.060. Promoting prostitution in the second degree.—1. A person commits the crime of promoting prostitution in the second degree if he knowingly promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes.

2. Promoting prostitution in the second degree is a class C felony.

567.070. Promoting prostitution in the third degree.—1. A person commits the crime of promoting prostitution in the third degree if he knowingly promotes prostitution.

2. Promoting prostitution in the third degree is a class D felony.

567.080. Prostitution houses deemed public nuisances.—1. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 567.010 or any unlawful prostitution activity prohibited by this chapter is a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful

prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.

4. Appeals shall be allowed from the judgment of the court as in other civil actions.

567.090. Preemption and standardization.—The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by felony sections 567.050 through 567.070, to promote state-wide control of prostitution, and to standardize laws that governmental subdivisions may adopt in other areas covered by this chapter. No governmental subdivision may enact or enforce a law that makes any conduct in the area covered by sections 567.050 through 567.070 subject to a criminal or civil penalty or sanction of any kind. Cities and towns may enact and enforce laws prohibiting and penalizing conduct subject to criminal or civil penalties or sanctions under other provisions of this chapter, but the provisions of such laws shall be the same and the authorized penalties or sanctions under such laws shall not be greater than those of this chapter. Cities and towns may also enact and enforce laws prohibiting and penalizing public solicitation of sexual conduct, whether or not the offer to engage in sexual conduct is in return for something of value, and health laws to prevent the spread of venereal diseases.

567.100. Responsibilities of prosecuting attorneys and attorney general.—In addition to the responsibility of circuit attorneys and prosecuting attorneys in their respective jurisdictions to enforce the criminal provisions of this chapter, they shall have the duty to enforce the provisions of section 567.080; and the attorney general shall have a concurrent duty to enforce the civil provisions of section 567.080.

568.010. Bigamy.—1. A married person commits the crime of bigamy if he:

- (1) Purports to contract another marriage; or
- (2) Cohabits in this state after a bigamous marriage in another jurisdiction.

2. A married person does not commit bigamy if, at the time of the subsequent marriage ceremony, he reasonably believes that he is legally eligible to remarry.

3. The defendant shall have the burden of injecting the issue of reasonable belief of eligibility to remarry.

4. An unmarried person commits the crime of bigamy if he

- (1) Purports to contract marriage knowing that the other person is married; or
- (2) Cohabits in this state after a bigamous marriage in another jurisdiction.

5. Bigamy is a class A misdemeanor.

568.020. Incest.—1. A person commits the crime of incest if he marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he knows to be, with regard to legitimacy:

- (1) His ancestor or descendant by blood or adoption; or
- (2) His stepchild, while the marriage creating that relationship exists; or
- (3) His brother or sister of the whole or half-blood; or
- (4) His uncle, aunt, nephew or niece of the whole blood.

2. For purposes of this section:

(1) "Sexual intercourse" means any penetration, however slight, of the female sex organ by the male sex organ;

(2) "Deviate sexual intercourse" means any act of sexual gratification between persons not lawfully married to one another, involving the genitals of one person and the mouth, tongue or anus of another.

3. Incest is a class D felony.

568.030. Abandonment of child.—1. A person commits the crime of abandonment of a child if, as a parent, guardian or other person legally charged with

the care or custody of a child less than eight years old, he leaves the child in any place with purpose wholly to abandon it, under circumstances which may result in serious physical injury, illness or death.

2. Abandonment of a child is a class D felony.

568.040. Criminal nonsupport.—1. A husband commits the crime of nonsupport if he knowingly fails to provide, without good cause, adequate support for his wife; a parent commits the crime of nonsupport if such parent knowingly fails to provide, without good cause, adequate support which such parent is legally obligated to provide for his minor child or his stepchild.

2. For purposes of this section:

(1) "Support" means food, clothing, lodging, and medical or surgical attention;
(2) "Child" means any natural or adoptive, legitimate or illegitimate child;
(3) "Good cause" includes any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support.

(4) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. The defendant shall have the burden of injecting the issues raised by subdivisions (3) and (4) of subsection 2.

4. Criminal nonsupport is a class A misdemeanor, unless the actor leaves the state for the purpose of avoiding his obligation to support in which case it is a class D felony.

568.050. Endangering the welfare of a child.—1. A person commits the crime of endangering the welfare of a child if:

(1) He knowingly acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years old; or

(2) He knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of subdivision (1) (c) or (1) (d) or (2) of section 211.031 RSMo; or

(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of subdivision (1) (c) or (1) (d) or (2) of section 211.031 RSMo.

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

3. Endangering the welfare of a child is a class A misdemeanor.

568.060. Abuse of a child.—1. A person commits the crime of abuse of a child if he;

(a) knowingly inflicts cruel and inhuman punishment upon a child less than seventeen years old, or

(b) photographs or films a child less than seventeen years old engaging in a prohibited sexual act or in the simulation of such an act or who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act for the purpose of photographing or filming the act.

(1) "Prohibited sexual act" means any of the following, whether performed or engaged in either with any other person or alone: sexual or anal intercourse, masturbation, bestiality, sadism, masochism, fellatio, cunnilingus, and other sexual activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any individual who may view such depiction.

2. Abuse of a child is a class D felony.

568.070. Unlawful transactions with a child.—1. A person commits the crime of unlawful transactions with a child if:

(1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, he with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child's custodial parent or guardian has consented in writing to the transaction; or

(2) He knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in chapter 195 RSMo, is maintained or conducted; or

(3) He with criminal negligence sells blasting caps, bulk gunpowder, or explosives to a child under the age of seventeen, or fireworks as defined in section 320.110 RSMo to a child under the age of fourteen, unless the child's custodial parent or guardian has consented in writing to the transaction. Criminal negligence as to the age of the child is *not* an element of this crime.

2. Unlawful transactions with a child is a class B misdemeanor.

569.010. Chapter definitions.—As used in this chapter the following terms mean:

(1) "Forcibly steals", a person "forcibly steals", and thereby commits robbery, when, in the course of stealing, as defined in section 570.030, RSMo, he uses or threatens the immediate use of physical force upon another person for the purpose of:

(a) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or

(b) Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft;

(2) "Inhabitable structure", includes a ship, trailer, sleeping car, airplane, or other vehicle or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment or public transportation; or

(c) Which is used for overnight accommodation of persons. Any such vehicle or structure is "inhabitable" regardless of whether a person is actually present;

(3) "Of another", property is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein;

(4) If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another";

(5) "Vital public facility", includes a facility maintained for use as a bridge, whether over land or water, dam, reservoir, tunnel, communication installation or power station;

(6) "Utility", an enterprise which provides gas, electric, steam, water, sewerage disposal or communication services and any common carrier. It may be either publicly or privately owned or operated;

(7) "To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;

(8) "Enter unlawfully or remain unlawfully", a person "enters unlawfully or remains unlawfully" in or upon premises when he is not licensed or privileged to do so. A person who, regardless of his purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

569.020. Robbery in the first degree.—1. A person commits the crime of robbery in the first degree when he forcibly steals property and in the course thereof he, or another participant in the crime

(1) Causes serious physical injury to any person; or
(2) Is armed with a deadly weapon; or
(3) Uses or threatens the immediate use of a dangerous instrument against any person; or

(4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument.

2. Robbery in the first degree is a class A felony.

569.030. Robbery in the second degree.—1. A person commits the crime of robbery in the second degree when he forcibly steals property.

2. Robbery in the second degree is a class B felony.

569.040. Arson in the first degree.—1. A person commits the crime of arson in the first degree when he knowingly damages a building or inhabitable structure and when any person is then present or in near proximity thereto, by starting a fire or causing an explosion and thereby recklessly places such person in danger of death or serious physical injury.

2. Arson in the first degree is a class B felony.

569.050. Arson in the second degree.—1. A person commits the crime of arson in the second degree when he knowingly damages a building or inhabitable structure by starting a fire or causing an explosion.

2. A person does not commit a crime under this section if:

(1) No person other than himself has a possessory, proprietary or security interest in the damaged building, or if other persons have those interests, all of them consented to his conduct; and

(2) His sole purpose was to destroy or damage the building for a lawful and proper purpose.

3. The defendant shall have the burden of injecting the issue under subsection 2.

4. Arson in the second degree is a class C felony.

569.055. Knowingly burning or exploding.—1. A person commits the crime of knowingly burning or exploding when he knowingly damages property of another by starting a fire or causing an explosion.

2. Knowingly burning or exploding is a class D felony.

569.060. Reckless burning or exploding.—1. A person commits the crime of reckless burning or exploding when he knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

2. Reckless burning or exploding is a class A misdemeanor.

569.065. Negligent burning or exploding.—1. A person commits the crime of negligent burning or exploding when he with criminal negligence causes damage to property of another by fire or explosion.

2. Negligent burning or exploding is a class B misdemeanor.

569.070. Causing catastrophe.—1. A person commits the crime of causing catastrophe if he knowingly causes a catastrophe by explosion, fire, flood, collapse of a building, release of poison, radioactive material, bacteria, virus or other dangerous and difficult to confine force or substance.

2. "Catastrophe" means death or serious physical injury to ten or more people or substantial damage to five or more buildings or inhabitable structures or substantial damage to a vital public facility which seriously impairs its usefulness or operation.

3. Causing catastrophe is a class A felony.

569.080. Tampering in the first degree.—1. A person commits the crime of tampering in the first degree if, for the purpose of causing a substantial interruption or impairment of a service rendered to the public by a utility or by an institution providing

health or safety protection, he damages or tampers with property or facilities of such a utility or institution, and thereby causes substantial interruption or impairment of service.

2. Tampering in the first degree is a class D felony.

569.090. Tampering in the second degree.—1. A person commits the crime of tampering in the second degree if he:

(1) Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

(2) Unlawfully operates or rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or

(3) Tampers or makes connection with property of a utility.

2. Tampering in the second degree is a class A misdemeanor.

569.100. Property damage in the first degree.—1. A person commits the crime of property damage in the first degree if:

(1) He knowingly damages property of another to an extent exceeding five thousand dollars; or

(2) He damages property to an extent exceeding five thousand dollars for the purpose of defrauding an insurer.

2. Property damage in the first degree is a class D felony.

569.110. Property damage in the second degree.—1. A person commits the crime of property damage in the second degree if:

(1) He knowingly damages property of another to an extent exceeding five hundred dollars; or

(2) He damages property to an extent exceeding five hundred dollars for the purpose of defrauding an insurer.

2. Property damage in the second degree is a class A misdemeanor.

569.120. Property damage in the third degree.—1. A person commits the crime of property damage in the third degree if:

(1) He knowingly damages property of another; or

(2) He damages property for the purpose of defrauding an insurer.

2. Property damage in the third degree is a class B misdemeanor.

569.130. Claim of right.—1. A person does not commit an offense by damaging, tampering with, operating, riding in or upon, or making connection with property of another if he does so under a claim of right and has reasonable grounds to believe he has such a right.

2. The defendant shall have the burden of injecting the issue of claim of right.

569.140. Trespass in the first degree.—1. A person commits the crime of trespass in the first degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

2. A person does not commit the crime of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(2) Posting in a manner reasonably likely to come to the attention of intruders.

3. Trespass in the first degree is a class B misdemeanor.

569.150. Trespass in the second degree.—1. A person commits the offense of trespass in the second degree if he enters unlawfully upon real property of another. This is an offense of absolute liability.

2. Trespass in the second degree is an infraction.

569.160. Burglary in the first degree.—1. A person commits the crime of

burglary in the first degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein, and when in effecting entry or while in the building or inhabitable structure or in immediate flight therefrom, he or another participant in the crime:

- (1) Is armed with explosives or a deadly weapon; or
- (2) Causes or threatens immediate physical injury to any person who is not a participant in the crime; or
- (3) There is present in the structure another person who is not a participant in the crime.

2. Burglary in the first degree is a class B felony.

569.170. Burglary in the second degree.—1. A person commits the crime of burglary in the second degree when he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein.

2. Burglary in the second degree is a class C felony.

569.180. Possession of burglar's tools.—1. A person commits the crime of possession of burglar's tools if he possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, with a purpose to use or knowledge that some person has the purpose of using the same in making an unlawful forcible entry into a building or inhabitable structure or a room thereof.

2. Possession of burglar's tools is a class D felony.

570.010. Chapter definitions.—As used in this chapter:

(1) "Adulterated" means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Misabeled" means varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity;

(3) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;

(4) "Coercion" means a threat, however communicated:

- (a) To commit any crime; or
- (b) To inflict physical injury in the future on the person threatened or another; or
- (c) To accuse any person of any crime; or
- (d) To expose any person to hatred, contempt or ridicule; or
- (e) To harm the credit or business repute of any person; or
- (f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or
- (g) To inflict any other harm which would not benefit the actor.

A threat of accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat:

(5) "Credit device" means a writing, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

(6) "Dealer" means a person in the business of buying and selling goods;

(7) "Deceit" means purposely making a representation which is false and which

the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise:

(8) "Deprive" means,

- (a) To withhold property from the owner permanently; or
- (b) To restore property only upon payment of reward or other compensation; or
- (c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;

(9) "Of another" property or services is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement:

(10) "Property" means anything of value whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

(11) "Receiving" means acquiring possession, control or title or lending on the security of the property;

(12) "Services", includes transportation, telephone, electricity, gas, water or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

(13) "Writing", includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.020. Determination of value.—For the purposes of this chapter, the value of property shall be ascertained as follows:

(1) Except as otherwise specified in this section, value means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime;

(2) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:

(a) The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(b) The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(3) When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an amount less than one hundred fifty dollars.

570.030. Stealing.—1. A person commits the crime of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion.

2. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is one hundred fifty dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, water craft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(f) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(g) Any book of registration or list of voters required by chapter 116, RSMo; or

(h) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(i) Any narcotic drugs as defined by section 195.010, RSMo; otherwise, stealing is a class A misdemeanor.

570.040. Stealing, fourth offense.—1. Every person who has been previously convicted of stealing two times, and who is subsequently convicted of stealing is guilty of a class C felony and shall be punished accordingly.

2. Evidence of prior convictions shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

570.050. Aggregation of amounts involved in stealing.—Amounts stolen pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitute a single criminal episode and may be aggregated in determining the grade of the offense.

570.060. Lost property.—1. A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of section 570.030 unless such property is found under circumstances which gave the finder knowledge of or means of inquiry as to the true owner.

2. The defendant shall have the burden of injecting the issue of lost property.

570.070. Claim of right.—1. A person does not commit an offense under section 570.030 if, at the time of the appropriation, he

(1) Acted in the honest belief that he had the right to do so; or

(2) Acted in the honest belief that the owner, if present, would have consented to the appropriation.

2. The defendant shall have the burden of injecting the issue of claim of right.

570.080. Receiving stolen property.—1. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. Evidence of the following is admissible in any criminal prosecution under this section to prove the requisite knowledge or belief of the alleged receiver:

(1) That he was found in possession or control of other property stolen on separate occasions from two or more persons;

(2) That he received other stolen property in another transaction within the year preceding the transaction charged;

(3) That he acquired the stolen property for a consideration which he knew was far below its reasonable value.

3. Receiving stolen property is a class A misdemeanor unless the property involved has a value of one hundred fifty dollars or more, or the person receiving the property is a dealer in goods of the type in question, in which cases receiving stolen property is a class C felony.

570.090. Forgery.—1. A person commits the crime of forgery if, with the purpose to defraud, he

(1) Makes, completes, alters or authenticates any writing so that it purports to have been made by another or at another time or place or in a numbered sequence other than was in fact the case or with different terms or by authority of one who did not give such authority; or

(2) Erases, obliterates or destroys any writings; or

(3) Makes or alters anything other than a writing, so that it purports to have a genuineness, antiquity, rarity, ownership or authorship which it does not possess; or

(4) Uses as genuine, or possesses for the purpose of using as genuine, or transfers with the knowledge or belief that it will be used as genuine, any writing or other thing which the actor knows has been made or altered in the manner described in this section.

2. Forgery is a class C felony.

570.100. Possession of a forging instrumentality.—1. A person commits the crime of possession of a forging instrumentality if, with the purpose of committing forgery, he makes, causes to be made or possesses any plate, mold, instrument or device for making or altering any writing or anything other than a writing.

2. Possession of a forging instrumentality is a class C felony.

570.110. Issuing a false instrument or certificate.—1. A person commits the crime of issuing a false instrument or certificate when, being authorized by law to take proof or acknowledgment of any instrument which by law may be recorded, or being authorized by law to make or issue official certificates or other official written instruments, he issues such an instrument or certificate, or makes the same with the purpose that it be issued, knowing:

(1) That it contains a false statement or false information; or

(2) That it is wholly or partly blank.

2. Issuing a false instrument or certificate is a class A misdemeanor.

570.120. Passing bad checks.—1. A person commits the crime of passing a bad check when, with purpose to defraud, he issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee.

2. If the issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, this fact shall be prima facie evidence of his purpose to defraud and of his knowledge that the check or order would not be paid.

3. If the issuer has an account with the drawee, failure to pay the check or order within ten days after notice in writing that it has not been honored because of insufficient funds or credit with the drawee is prima facie evidence of his purpose to defraud and of his knowledge that the check or order would not be paid.

4. Notice in writing means notice deposited as first class mail in the United States mail and addressed to the issuer at his address as it appears on the dishonored check or to his last known address.

5. The face amounts of any bad checks passed pursuant to one course of conduct within any ten day period, may be aggregated in determining the grade of the offense.

6. Passing bad checks is a class A misdemeanor, unless

(1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued.

In which cases passing bad checks is a class D felony.

570.130. Fraudulent use of a credit device.—1. A person commits the crime of fraudulent use of a credit device if he uses a credit device for the purpose of obtaining services or property, knowing that:

(1) The device is stolen, fictitious or forged; or

- (2) The device has been revoked or canceled; or
- (3) For any other reason his use of the device is unauthorized.

2. Fraudulent use of a credit device is a class A misdemeanor unless the value of the property or services obtained or sought to be obtained within any thirty day period is one hundred fifty dollars or more, in which case fraudulent use of a credit device is a class D felony.

570.140. Deceptive business practice.—1. A person commits the crime of deceptive business practice if in the course of engaging in a business, occupation or profession, he recklessly

(1) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or

(2) Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service; or

(3) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or

(4) Sells, offers or exposes for sale adulterated, or mislabeled commodities; or

(5) Makes a false or misleading written statement for the purpose of obtaining property or credit.

2. Deceptive business practice is a class A misdemeanor.

570.150. Commercial bribery.—1. A person commits the crime of commercial bribery:

(1) If he solicits, accepts or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he is subject as:

(a) Agent or employee of another;

(b) Trustee, guardian or other fiduciary;

(c) Lawyer, physician, accountant, appraiser or other professional adviser or informant;

(d) Officer, director, partner, manager or other participant in the direction of the affairs of an incorporated or unincorporated association; or

(e) Arbitrator or other purportedly disinterested adjudicator or referee.

(2) If as a person who holds himself out to the public as being engaged in the business of making disinterested selection, appraisal or criticism of commodities or services, he solicits, accepts or agrees to accept any benefit to influence his selection, appraisal or criticism.

(3) If he confers or offers or agrees to confer any benefit the acceptance of which would be criminal under subsections (1) and (2) of this section.

2. Commercial bribery is a class A misdemeanor.

570.160. False advertising.—1. A person commits the crime of false advertising if, in connection with the promotion of the sale of, or to increase the consumption of, property or services, he recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

2. False advertising is a class A misdemeanor.

570.170. Bait advertising.—1. A person commits the crime of bait advertising if he advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:

(1) At the price which he offered them; or

(2) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or

(3) At all.

2. Bait advertising is a class A misdemeanor.

570.180. Defrauding secured creditors.—1. A person commits the crime of defrauding secured creditors if he destroys, removes, conceals, encumbers, transfers or

otherwise deals with property subject to a security interest with purpose to defraud the holder of the security interest.

2. Defrauding secured creditors is a class A misdemeanor unless the amount remaining to be paid on the secured debt, including interest, is five hundred dollars or more, in which case defrauding secured creditors is a class D felony.

571.015. Armed criminal action, defined, penalty.—1. Except as provided in subsection 4 of this section, any person who commits any felony under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the crime of armed criminal action and, upon conviction, shall be punished by imprisonment by the division of corrections for a term of not less than three years. The punishment imposed pursuant to this subsection shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three calendar years.

2. Any person convicted of a second offense of armed criminal action shall be punished by imprisonment by the division of corrections for a term of not less than five years. The punishment imposed pursuant to this subsection shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five calendar years.

3. Any person convicted of a third or subsequent offense of armed criminal action shall be punished by imprisonment by the division of corrections for a term of not less than ten years. The punishment imposed pursuant to this subsection shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten calendar years.

4. The provisions of this section shall not apply to the felonies defined in sections 564.590, 564.610, 564.620, 564.630, and 564.640, RSMo.

572.010. Chapter definitions.—As used in this chapter:

(1) "Advance gambling activity", a person "advances gambling activity" if, acting other than as a player, he engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular game, lottery, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement or communication of any of its financial or recording phases, or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his knowledge for purposes of gambling activity, he permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation;

(2) "Bookmaking" means advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events;

(3) "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of the contestants may also be a factor therein;

(4) "Gambling", a person engages in "gambling" when he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he will receive something of value in the event of a certain outcome. Gambling does not include

bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance; nor does gambling include playing an amusement device that confers only an immediate right of replay not exchangeable for something of value;

(5) "Gambling device" means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person with a machine. However, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition;

(6) "Gambling record" means any article, instrument, record, receipt, ticket, certificate, token, slip or notation used or intended to be used in connection with unlawful gambling activity;

(7) "Lottery" or "policy" means an unlawful gambling scheme in which for a consideration the participants are given an opportunity to win something of value, the award of which is determined by chance.

(8) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in subdivision (2) of this section is not a "player";

(9) "Professional player" means a player who engages in gambling for a livelihood or who has derived at least twenty percent of his income in any one year within the past five years from acting solely as a player;

(10) "Profit from gambling activity", a person "profits from gambling activity" if, other than as a player, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(11) "Slot machine" means a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance;

(12) "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge;

(13) "Unlawful" means not specifically authorized by law.

572.020. Gambling.—1. A person commits the crime of gambling if he knowingly engages in gambling.

2. Gambling is a class C misdemeanor unless:

(1) It is committed by a professional player in which case it is a class D felony; or

(2) The person knowingly engages in gambling with a minor in which case it is a class B misdemeanor.

572.030. Promoting gambling in the first degree.—1. A person commits the crime of promoting gambling in the first degree if he knowingly advances or profits from unlawful gambling or lottery activity by:

(1) Setting up and operating a gambling device to the extent that more than one hundred dollars of money is gambled upon or by means of the device in any one day, or setting up and operating any slot machine; or

(2) Engaging in bookmaking to the extent that he receives or accepts in any one day more than one bet and a total of more than one hundred dollars in bets; or

(3) Receiving in connection with a lottery or policy or enterprise:

(a) Money or written records from a person other than a player whose chances or plays are represented by such money or records; or

(b) More than one hundred dollars in any one day of money played in the scheme or enterprise; or

(c) Something of value played in the scheme or enterprise with a fair market value exceeding one hundred dollars in any one day.

2. Promoting gambling in the first degree is a class D felony.

572.040. Promoting gambling in the second degree.—1. A person commits the crime of promoting gambling in the second degree if he knowingly advances or profits from unlawful gambling or lottery activity.

2. Promoting gambling in the second degree is a class A misdemeanor.

572.050. Possession of gambling records in the first degree.—1. A person commits the crime of possession of gambling records in the first degree if with knowledge of the contents thereof, he possesses any gambling record of a kind used:

(1) In the operation or promotion of a bookmaking scheme or enterprise, and constituting, reflecting or representing more than five bets totaling more than five hundred dollars; or

(2) In the operation, promotion or playing of a lottery or policy scheme or enterprise, and constituting, reflecting or representing more than five hundred plays or chances therein.

2. A person does not commit a crime under subdivision (1) of subsection 1 of this section if the gambling record possessed by the defendant constituted, reflected or represented bets of the defendant himself in a number not exceeding ten.

3. The defendant shall have the burden of injecting the issue under subsection 2.

4. Possession of gambling records in the first degree is a class D felony.

572.060. Possession of gambling records in the second degree.—1. A person commits the crime of possession of gambling records in the second degree if with knowledge of the contents thereof, he possesses any gambling record of a kind used:

(1) In the operation or promotion of a bookmaking scheme or enterprise; or

(2) In the operation, promotion or playing of a lottery or policy scheme or enterprise.

2. A person does not commit a crime under subdivision (1) of subsection 1 of this section if the gambling record possessed by the defendant constituted, reflected or represented bets of the defendant himself in a number not exceeding ten.

3. The defendant shall have the burden of injecting the issue under subsection 2.

4. Possession of gambling records in the second degree is a class A misdemeanor.

572.070. Possession of a gambling device.—1. A person commits the crime of possession of a gambling device if with knowledge of the character thereof he manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

(1) A slot machine; or

(2) Any other gambling device, knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity.

2. Possession of a gambling device is a class A misdemeanor.

572.080. Lottery offenses—no defense.—It is no defense under any section of this chapter relating to a lottery that the lottery itself is drawn or conducted outside Missouri and is not in violation of the laws of the jurisdiction in which it is drawn or conducted.

572.090. Gambling houses, public nuisances—abatement.—1. Any room, building or other structure regularly used for any unlawful gambling activity prohibited by this chapter is a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for unlawful gambling activity, the court may order, that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. Appeals shall be allowed from the judgment of the court as in other civil actions.

572.100. Preemption.—The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by this chapter. No governmental subdivision or agency may enact or enforce a law that regulates or makes any conduct in the area covered by this chapter an offense, or the subject of a criminal or civil penalty or sanction of any kind.

572.110. Duties of prosecuting attorneys.—It shall be the duty of the circuit attorneys and prosecuting attorneys in their respective jurisdictions to enforce the provisions of this chapter, and the attorney general shall have a concurrent duty to enforce the provisions of this chapter.

572.120. Forfeiture of gambling devices, records and money.—Any gambling device or gambling record, or any money used as bets or stakes in unlawful gambling activity, possessed or used in violation of this chapter may be seized by any peace officer and is forfeited to the state. Forfeiture procedures shall be conducted as provided by rule of court. Forfeited money and the proceeds from the sale of forfeited property shall be paid into the school fund of the county. Any forfeited gambling device or record not needed in connection with any proceedings under this chapter and which has no legitimate use shall be ordered publicly destroyed.

572.125. Antique slot machines exempt from 572.120, when.—1. It shall be an affirmative defense to any prosecution under this chapter relating to slot machines, if the defendant shows that the slot machine is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. For the purposes of this section, an antique slot machine is one which is over 30 years old.

2. Notwithstanding section 572.120, whenever the defense provided by subsection 1 of this section is offered, no slot machine seized from any defendant shall be destroyed or otherwise altered until after a final court determination that such defense is not applicable. If the defense is applicable, any such slot machine shall be returned pursuant to provisions of law providing for the return of property.

573.010. Chapter definitions.—As used in this chapter

(1) "Pornographic", any material or performance is "pornographic" if, considered as a whole, applying contemporary community standards:

(a) Its predominant appeal is to prurient interest in sex; and

(b) It depicts or describes sexual conduct in a patently offensive way; and

(c) It lacks serious literary, artistic, political or scientific value. In determining whether any material or performance is pornographic, it shall be judged with reference to its impact upon ordinary adults;

(2) "Material" means anything printed or written, or any picture, drawing, photograph, motion picture film, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates and other latent representational objects;

(3) "Performance" means any play, motion picture film, dance or exhibition performed before an audience;

(4) "Promote" means to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same;

(5) "Furnish" means to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

(6) "Wholesale promote" means to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale;

(7) "Minor" means any person under the age of eighteen.

(8) "Pornographic for minors", any material or performance is "pornographic for minors" if it is primarily devoted to description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse and:

(a) Its predominant appeal is to prurient interest in sex; and

(b) It is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

(c) It lacks serious literary, artistic, political, or scientific value for minors;

(9) "Nudity" means the showing of post-pubertal human genitals or pubic area, with less than a fully opaque covering;

(10) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(11) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal;

(12) "Sadomasochistic abuse" means flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

(13) "Explicit sexual material" means any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

(14) "Displays publicly" means exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others.

573.020. Promoting pornography in the first degree.—1. A person commits the crime of promoting pornography in the first degree if, knowing its content and character:

(1) He wholesale promotes or possesses with the purpose to wholesale promote any pornographic material; or

(2) He wholesale promotes for minors or possesses with the purpose to wholesale promote for minors any material pornographic for minors.

2. Promoting pornography in the first degree is a class D felony.

573.030. Promoting pornography in the second degree.—1. A person

commits the crime of promoting pornography in the second degree if, knowing its content and character, he:

(1) Promotes or possesses with the purpose to promote any pornographic material for pecuniary gain; or

(2) Produces, presents, directs or participates in any pornographic performance for pecuniary gain.

2. Promoting pornography in the second degree is a class A misdemeanor.

573.040. Furnishing pornographic materials to minors.—1. A person commits the crime of furnishing pornographic material to minors if, knowing its content and character, he:

(1) Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or

(2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance.

2. Furnishing pornographic material to minors is a class A misdemeanor.

573.050. Evidence in pornography cases.—1. In any prosecution under this chapter evidence shall be admissible to show:

(1) What the predominant appeal of the material or performance would be for ordinary adults or minors;

(2) The literary, artistic, political or scientific value of the material or performance;

(3) The degree of public acceptance in this state and in the local community;

(4) The appeal to prurient interest in advertising or other promotion of the material or performance;

(5) The purpose of the author, creator, promoter, furnisher or publisher of the material or performance.

2. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony, relating to factors entering into the determination of the issues of pornography shall be admissible.

573.060. Public display of explicit sexual material.—1. A person commits the crime of public display of explicit sexual material if he knowingly:

(1) Displays publicly explicit sexual material; or

(2) Fails to take prompt action to remove such a display from property in his possession after learning of its existence.

2. Public display of explicit sexual material is a class A misdemeanor.

573.070. Injunctions and declaratory judgments.—1. Whenever material or a performance is being or is about to be promoted, furnished or displayed in violation of sections 573.030, 573.040 or 573.060, a civil action may be instituted in the circuit court by the prosecuting or circuit attorney or by the city attorney of any city, town or village against any person violating or about to violate those sections in order to obtain a declaration that the promotion, furnishing or display of such material or performance is prohibited. Such an action may also seek an injunction appropriately restraining promotion, furnishing or display.

2. Such an action may be brought only in the circuit court of the county in which any such person resides, or where the promotion, furnishing or display is taking place or is about to take place.

3. Any promoter, furnisher or displayer of, or a person who is about to be a promoter, furnisher or displayer of the material or performance involved may intervene as of right as a party defendant in the proceedings.

4. The trial court and the appellate court shall give expedited consideration to

actions and appeals brought under this section. The defendant shall be entitled to a trial of the issues within one day after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial. No restraining order or injunction of any kind shall be issued restraining the promotion, furnishing or display of any material or performance without a prior adversary hearing before the court.

5. A final declaration obtained pursuant to this section may be used to form the basis for an injunction and for no other purpose.

6. All laws regulating the procedure for obtaining declaratory judgment or injunctions which are inconsistent with the provisions of this section shall be inapplicable to proceedings brought pursuant to this section. There shall be no right to jury trial in any proceedings under this section.

573.080. Preemption and standardization.—The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by section 573.020, to promote state-wide control of pornography, and to standardize laws that governmental subdivisions may adopt in other areas covered by this chapter. No governmental subdivision may enact or enforce a law that makes any conduct in the area covered by section 573.020 subject to a criminal or civil penalty of any kind. Cities and towns may enact and enforce laws prohibiting and penalizing conduct subject to criminal or civil sanctions under other provisions of this chapter, but the provisions of such laws shall be the same and authorized penalties or sanctions under such laws shall not be greater than those of this chapter.

574.010. Peace disturbance.—1. A person commits the crime of peace disturbance if:

(1) He unreasonably and knowingly causes alarm to another person or persons not physically on the same premises by:

- (a) Loud and unusual noise; or
- (b) Loud and abusive language; or
- (c) Threatening to commit a crime against any person; or
- (d) Fighting; or
- (e) Creating a noxious and offensive odor;

(2) He is in a public place or on private property of another without consent and unreasonably and knowingly causes alarm to another person or persons by:

- (a) Loud and unusual noise; or
- (b) Loud and abusive language; or
- (c) Threatening to commit a crime against any person; or
- (d) Fighting; or
- (e) Creating a noxious and offensive odor;

(3) He is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

- (a) Vehicular or pedestrian traffic; or
- (b) The free ingress or egress to or from public or private places.

2. Peace disturbance is a class B misdemeanor.

574.020. Private peace disturbance.—1. A person commits the crime of private peace disturbance if he is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

- (1) Threatening to commit a crime against any person; or
- (2) Fighting.

2. Private peace disturbance is a class C misdemeanor.

574.030. Peace disturbance definitions.—For the purposes of sections 574.010 and 574.020

(1) "Property of another" means any property in which the actor does not have a possessory interest;

(2) "Private property" means any place which at the time is not open to the public. It includes property which is owned publicly or privately;

(3) "Public place" means any place which at the time is open to the public. It includes property which is owned publicly or privately;

(4) If a building or structure is divided into separately occupied units, such units are separate premises.

574.040. Unlawful assembly.—1. A person commits the crime of unlawful assembly if he knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence.

2. Unlawful assembly is a class B misdemeanor.

574.050. Rioting.—1. A person commits the crime of rioting if he knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.

2. Rioting is a class A misdemeanor.

574.060. Refusal to disperse.—1. A person commits the crime of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly or riot.

2. Refusal to disperse is a class C misdemeanor.

575.010. Definitions.—The following definitions shall apply to chapters 575 and 576:

(1) "Affidavit" means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;

(2) "Government" means any branch or agency of the government of this state or of any political subdivision thereof;

(3) "Judicial proceeding" means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;

(4) "Juror" means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;

(5) "Jury" means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;

(6) "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;

(7) "Public record" means any document which a public servant is required by law to keep;

(8) "Testimony" means any oral statement under oath or affirmation.

575.020. Concealing an offense.—1. A person commits the crime of concealing an offense if:

(1) He confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or

(2) He accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

2. Concealing an offense is a class D felony if the offense concealed is a felony; otherwise concealing an offense is a class A misdemeanor.

575.030. Hindering prosecution.—1. A person commits the crime of hindering prosecution if for the purpose of preventing the apprehension, prosecution,

conviction or punishment of another for conduct constituting a crime he:

- (1) Harbors or conceals such person; or
- (2) Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
- (3) Provides such person with money, transportation, weapon, disguise or other means to aid him in avoiding discovery or apprehension; or
- (4) Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

2. Hindering prosecution is a class D felony if the conduct of the other person constitutes a felony; otherwise hindering prosecution is a class A misdemeanor.

575.040. Perjury.—1. A person commits the crime of perjury if, with the purpose to deceive, he knowingly testifies falsely to any material fact upon oath or affirmation legally administered, in any official proceeding before any court, public body, notary public or other officer authorized to administer oaths.

2. A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the cause, matter or proceeding.

3. Knowledge of the materiality of the statement is not an element of this crime, and it is no defense that:

- (1) The defendant mistakenly believed the fact to be immaterial; or
- (2) The defendant was not competent, for reasons other than mental disability or immaturity, to make the statement.

4. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement in the course of the official proceeding in which it was made provided he did so before the falsity of the statement was exposed. Statements made in separate hearings at separate stages of the same proceeding, including but not limited to, statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial, are made in the course of the same proceeding.

5. The defendant shall have the burden of injecting the issue of retraction under subsection 4 of this section.

6. Perjury committed in any proceeding not involving a felony charge is a class D felony.

7. Perjury committed in any proceeding involving a felony charge is a class C felony unless:

- (1) It is committed during a criminal trial for the purpose of securing the conviction of an accused for murder in which case it is a class A felony; or
- (2) It is committed during a criminal trial for the purpose of securing the conviction of an accused for any felony except murder in which case it is a class B felony.

575.050. False affidavit.—1. A person commits the crime of making a false affidavit if, with purpose to mislead any person, he, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.

2. The provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

3. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:

- (1) The falsity of the statement was exposed; or
 - (2) Any person took substantial action in reliance on the statement.
4. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this section.

5. Making a false affidavit is a class A misdemeanor if done for the purpose of misleading a public servant in the performance of his duty; otherwise making a false affidavit is a class C misdemeanor.

575.060. False declarations.—1. A person commits the crime of making a false declaration if, with the purpose to mislead a public servant in the performance of his duty, he:

- (1) Submits any written false statement, which he does not believe to be true
 - (a) In an application for any pecuniary benefit or other consideration; or
 - (b) On a form bearing notice, authorized by law, that false statements made therein are punishable; or
- (2) Submits or invites reliance on
 - (a) Any writing which he knows to be forged, altered or otherwise lacking in authenticity; or
 - (b) Any sample, specimen, map, boundary mark, or other object which he knows to be false.

2. The falsity of the statement or the item under subsection 1 of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

3. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or item but this defense shall not apply if the retraction was made after:

- (1) The falsity of the statement or item was exposed; or
 - (2) The public servant took substantial action in reliance on the statement or item.
4. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this section.
5. Making a false declaration is a class B misdemeanor.

575.070. Proof of falsity of statements.—No person shall be convicted of a violation of sections 575.040, 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity of the statement by:

- (1) The direct evidence of two witnesses; or
- (2) The direct evidence of one witness together with strongly corroborating circumstances; or
- (3) Demonstrative evidence which conclusively proves the falsity of the statement; or
- (4) A directly contradictory statement by the defendant under oath together with
 - (a) The direct evidence of one witness; or
 - (b) Strongly corroborating circumstances; or
- (5) A judicial admission by the defendant that he made the statement knowing it was false. An admission, which is not a judicial admission, by the defendant that he made the statement knowing it was false may constitute strongly corroborating circumstances.

575.080. False reports.—1. A person commits the crime of making a false report if he knowingly:

- (1) Gives false information to a law enforcement officer for the purpose of implicating another person in a crime; or
- (2) Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or
- (3) Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.

2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. Making a false report is a class B misdemeanor.

575.090. False bomb report.—1. A person commits the crime of making a false bomb report if he knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle.

2. Making a false bomb report is a class A misdemeanor.

575.100. Tampering with physical evidence.—1. A person commits the crime of tampering with physical evidence if he:

(1) Alters, destroys, suppresses or conceals any record, document or thing with purpose to impair its verity, legibility or availability in any official proceeding or investigation; or

(2) Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

2. Tampering with physical evidence is a class D felony if the actor impairs or obstructs the prosecution or defense of a felony; otherwise, tampering with physical evidence is a class A misdemeanor.

575.110. Tampering with a public record.—1. A person commits the crime of tampering with a public record if with the purpose to impair the verity, legibility or availability of a public record:

(1) He knowingly makes a false entry in or falsely alters any public record; or

(2) Knowing he lacks authority to do so, he destroys, suppresses or conceals any public record.

2. Tampering with a public record is a class A misdemeanor.

575.120. False impersonation.—1. A person commits the crime of false impersonation if he:

(1) Falsely represents himself to be a public servant with purpose to induce another to submit to his pretended official authority or to rely upon his pretended official acts, and:

(a) Performs an act in that pretended capacity; or

(b) Causes another to act in reliance upon his pretended official authority; or

(2) Falsely represents himself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this state with purpose to induce another to rely upon such representation, and:

(a) Performs an act in that pretended capacity; or

(b) Causes another to act in reliance upon such representation.

2. False impersonation is a class B misdemeanor unless the person represents himself to be a law enforcement officer in which case false impersonation is a class A misdemeanor.

575.130. Simulating legal process.—1. A person commits the crime of simulating legal process if, with purpose to mislead the recipient and cause him to take action in reliance thereon, he delivers or causes to be delivered:

(1) A request for the payment of money on behalf of any creditor that in form and substance simulates any legal process issued by any court of this state; or

(2) Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court.

2. This section shall not apply to a subpoena properly issued by a notary public.

3. Simulating legal process is a class B misdemeanor.

575.150. Resisting or interfering with arrest.—1. A person commits the crime of resisting or interfering with arrest if, knowing that a law enforcement officer is making an arrest, for the purpose of preventing the officer from effecting the arrest, he:

(1) Resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to arrests with or without warrants and to arrests for any crime or ordinance violation.

3. It is no defense to a prosecution under subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

4. Resisting, by means other than flight, or interfering with an arrest for a felony is a class D felony; otherwise, resisting or interfering with arrest is a class A misdemeanor.

575.160. Interference with legal process.—1. A person commits the crime of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he interferes with or obstructs such person.

2. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

3. Interference with legal process is a class B misdemeanor.

575.170. Refusing to make an employee available for service of process.—1. Any employer, or any agent who is in charge of a business establishment, commits the crime of refusing to make an employee available for service of process if he knowingly refuses to assist any officer authorized by law to serve process who calls at such business establishment during the working hours of an employee for the purpose of serving process on such employee, by failing or refusing to make such employee available for service of process.

2. Refusing to make an employee available for service of process is a class C misdemeanor.

575.180. Failure to execute an arrest warrant.—1. A law enforcement officer commits the crime of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which he is authorized and required by law to execute.

2. Failure to execute an arrest warrant is a class D felony if the offense involved is a felony; otherwise failure to execute an arrest warrant is a class A misdemeanor.

575.190. Refusal to identify as a witness.—1. A person commits the crime of refusal to identify as a witness if, knowing he has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a law enforcement officer engaged in the performance of his official duties, he refuses to report or gives a false report of his name and present address to such officer.

2. Refusal to identify as a witness is a class C misdemeanor.

575.195. Escape from commitment.—1. A person commits the crime of escape from commitment if he has been committed to a state mental hospital under the provisions of sections 202.700 to 202.770 or of sections 552.010 to 552.080, RSMo, and he escapes from commitment.

2. Escape from commitment is a class D felony.

575.200. Escape from custody.—1. A person commits the crime of escape from custody if, while being held in custody after arrest for any crime, he escapes from custody.

2. Escape from custody is a class A misdemeanor unless:

(1) It is effected by means of a deadly weapon or dangerous instrument or by

holding any person as hostage, in which case escape from custody is a class A felony;

(2) The person escaping is under arrest for a felony, in which case escape from custody is a class D felony.

575.210. Escape from confinement.—1. A person commits the crime of escape from confinement if, while being held in confinement after arrest for any crime, or while serving a sentence after conviction for any crime, he escapes from confinement.

2. Escape from confinement is a class A misdemeanor except that it is:

(1) A class A felony if it is effected by means of a deadly weapon or dangerous instrument or by holding any person as hostage;

(2) A class D felony if:

(a) The person escapes while being held on a felony charge or while serving a sentence after conviction of a felony; or

(b) The escape is facilitated by striking or beating any person.

575.220. Failure to return to confinement.—1. A person commits the crime of failure to return to confinement if, while serving a sentence for any crime under a work-release program, or while under sentence of any crime to serve a term of confinement which is not continuous, or while serving any other type of sentence for any crime wherein he is temporarily permitted to go at large without guard, he purposely fails to return to confinement when he is required to do so.

2. This section does not apply to persons who are free on bond, bail or recognizance, personal or otherwise, nor to persons who are on probation or parole, temporary or otherwise.

3. Failure to return to confinement is a class C misdemeanor unless:

(1) The sentence being served is to the Missouri division of corrections in which case failure to return to confinement is a class D felony; or

(2) The sentence being served is one of confinement in a county jail on conviction of a felony in which case failure to return to confinement is a class A misdemeanor.

575.230. Aiding escape of a prisoner.—1. A person commits the crime of aiding escape of a prisoner if he:

(1) Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or

(2) Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.

2. Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument into a place of confinement is a class B felony. Aiding escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction is a class D felony. Otherwise, aiding escape of a prisoner is a class A misdemeanor.

575.240. Permitting escape.—1. A public servant who is authorized and required by law to have charge of any person charged with or convicted of any crime commits the crime of permitting escape if he knowingly:

(1) Suffers, allows or permits any deadly weapon or dangerous instrument or anything adapted or designed for use in making an escape, to be introduced into or allowed to remain in any place of confinement, in violation of law, regulations or rules governing the operation of the place of confinement; or

(2) Suffers, allows or permits a person in custody or confinement to escape.

2. Permitting escape by suffering, allowing or permitting any deadly weapon or dangerous instrument to be introduced into a place of confinement is a class B felony; otherwise, permitting escape is a class D felony.

575.250. Disturbing a judicial proceeding.—1. A person commits the crime

of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness, and thereby to influence a judicial proceeding, he disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter, concerning the conduct of the judicial proceeding, or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding.

2. Disturbing a judicial proceeding is a class A misdemeanor.

575.260. Tampering with a judicial proceeding.—1. A person commits the crime of tampering with a judicial proceeding if, with purpose to influence the official action of a judge, juror, special master, referee or arbitrator in a judicial proceeding, he:

(1) Threatens or causes harm to any person or property; or

(2) Engages in conduct reasonably calculated to harass or alarm such official or juror; or

(3) Offers, confers or agrees to confer any benefit, direct or indirect, upon such official or juror.

2. Tampering with a judicial proceeding is a class C felony.

575.270. Tampering with a witness.—1. A person commits the crime of tampering with a witness if, with purpose to induce a witness or a prospective witness in an official proceeding to disobey a subpoena or other legal process, or to absent himself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he:

(1) Threatens or causes harm to any person or property; or

(2) Uses force, threats or deception; or

(3) Offers, confers or agrees to confer any benefit direct or indirect, upon such witness.

2. Tampering with a witness in a felony prosecution, or tampering with a witness with purpose to induce the witness to testify falsely is a class D felony. Otherwise, tampering with a witness is a class A misdemeanor.

575.280. Acceding to corruption.—1. A person commits the crime of acceding to corruption if:

(1) He is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that it will influence his official action in a judicial proceeding pending in any court or before such official or juror;

(2) He is a witness or prospective witness in any official proceeding and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that he will disobey a subpoena or other legal process, or absent himself or avoid subpoena or other legal process, or withhold evidence, information or documents, or testify falsely.

2. Acceding to corruption under subdivision (1) of subsection 1 of this section is a class C felony.

3. Acceding to corruption under subdivision (2) of subsection 1 of this section in a felony prosecution, or on the representation or understanding of testifying falsely is a class D felony. Otherwise, acceding to corruption is a class A misdemeanor.

575.290. Improper communication.—1. A person commits the crime of improper communication if he communicates, directly or indirectly with any juror, special master, referee, or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

2. Improper communication is a class B misdemeanor.

575.300. Misconduct by a juror.—1. A person commits the crime of

misconduct by a juror if, being a juror, he knowingly:

(1) Promises or agrees, prior to the submission of a cause to the jury for deliberation, to vote for or agree to a verdict for or against any party in a judicial proceeding; or

(2) Receives any paper, evidence or information from anyone in relation to any judicial proceeding for the trial of which he has been or may be sworn, without the authority of the court or officer before whom such proceeding is pending, and does not immediately disclose the same to such court or officer.

2. Misconduct by a juror is a class A misdemeanor.

575.310. Misconduct in selecting or summoning a juror.—1. A public servant authorized by law to select or summon any juror commits the crime of misconduct in selecting or summoning a juror if he knowingly acts unfairly, improperly or not impartially in selecting or summoning any person or persons to be a member or members of a jury.

2. Misconduct in selecting or summoning a juror is a class B misdemeanor.

575.320. Misconduct in administration of justice.—1. A public servant, in his public capacity or under color of his office or employment, commits the crime of misconduct in administration of justice if:

(1) He is charged with the custody of any person accused or convicted of any crime or municipal ordinance violation and he coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him;

(2) He knowingly seizes or levies upon any property or dispossesses any one of any lands or tenements without due and legal process, or other lawful authority;

(3) He is a judge and knowingly accepts a plea of guilty from any person charged with a violation of a statute or ordinance at any place other than at the place provided by law for holding court by such judge;

(4) He is a jailer or keeper of a county jail and knowingly refuses to receive, in the jail under his charge, any person lawfully committed to such jail on any criminal charge or criminal conviction by any court of this state, or on any warrant and commitment or capias on any criminal charge issued by any court of this state;

(5) He is a law enforcement officer and violates the provisions of section 544.170 RSMo. by knowingly

(a) Refusing to release any person in custody who is entitled to such release; or

(b) Refusing to permit a person in custody to see and consult with counsel or other persons; or

(c) Transferring any person in custody to the custody or control of another, or to another place, for the purpose of avoiding the provisions of that section; or

(d) Preferring against any person in custody a false charge for the purpose of avoiding the provisions of that section.

2. Misconduct in the administration of justice is a class A misdemeanor.

576.010. Bribery of a public servant.—1. A person commits the crime of bribery of a public servant if he knowingly offers, confers or agrees to confer upon any public servant any benefit, direct or indirect, in return for:

(1) The recipient's official vote, opinion, recommendation, judgment, decision, action or exercise of discretion as a public servant; or

(2) The recipient's violation of a known legal duty as a public servant.

2. It is no defense that the recipient was not qualified to act in the desired way because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

3. Bribery of a public servant is a class D felony.

576.020. Public servant acceding to corruption.—1. A public servant commits the crime of acceding to corruption if he knowingly solicits, accepts or agrees to accept any benefit, direct or indirect, in return for:

(1) His official vote, opinion, recommendation, judgment, decision, action or

exercise of discretion as a public servant; or

(2) His violation of a known legal duty as a public servant.

2. Acceding to corruption by a public servant is a class D felony.

576.030. Obstructing government operations.—1. A person commits the crime of obstructing government operations if he purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle.

2. Obstructing government operations is a class B misdemeanor.

576.040. Official misconduct.—1. A public servant, in his public capacity or under color of his office or employment, commits the crime of official misconduct if:

(1) He knowingly discriminates against any employee or any applicant for employment on account of race, creed, color, sex or national origin, provided such employee or applicant possesses adequate training and educational qualifications;

(2) He knowingly demands or receives any fee or reward for the execution of any official act or the performance of a duty imposed by law or by the terms of his employment, that is not due, or that is more than is due, or before it is due;

(3) He knowingly collects taxes when none are due, or exacts or demands more than is due;

(4) He is a city or county treasurer, city or county clerk, or other municipal or county officer, or judge of a municipal or county court, and knowingly orders the payment of any money, or draws any warrant, or pays over any money for any purpose other than the specific purpose for which the same was assessed, levied and collected; unless it is or shall have become impossible to use such money for that specific purpose;

(5) He is an officer or employee of any court and knowingly charges, collects or receives less fee for his services than is provided by law;

(6) He is an officer or employee of any court and knowingly directly or indirectly buys, purchases or trades for any fee taxed or to be taxed as costs in any court of this state, or any county warrant, at less than par value which may be by law due or to become due to any person by or through any such court;

(7) He is a county officer, deputy or employee and knowingly traffics for or purchases at less than the par value or speculates in any court warrant issued by order of the county court of his county, or in any claim or demand held against such county.

2. Official misconduct is a class A misdemeanor.

576.050. Misuse of official information.—1. A public servant commits the crime of misuse of official information if, in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, he knowingly:

(1) Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or

(2) Speculates or wagers on the basis of such information or official action; or

(3) Aids, advises or encourages another to do any of the foregoing with purpose of conferring a pecuniary benefit on any person.

2. Misuse of official information is a class A misdemeanor.

576.060. Failure to give a tax list.—1. A person commits the crime of failure to give a tax list if, when requested by a government assessor, he knowingly fails to give a true list of all his taxable property, or to take and subscribe an oath or affirmation to such list as required by law.

2. Failure to give a tax list is an infraction.

576.070. Treason.—1. A person owing allegiance to the state commits treason if he purposely levies war against the state, or adheres to its enemies by giving them aid and comfort.

2. No person shall be convicted of treason unless one or more overt acts are alleged in the indictment or information.

3. In a trial on a charge of treason, no evidence shall be given of any overt act that is not specifically alleged in the indictment or information.

4. No person shall be convicted of treason except upon the direct evidence of two or more witnesses to the same overt act, or upon his confession under oath in open court.

5. Treason is a class A felony.

577.010. Driving while intoxicated.—1. A person commits the crime of driving while intoxicated if he operates a motor vehicle while in an intoxicated or drugged condition.

2. Driving while intoxicated is:

(1) For the first offense, a class B misdemeanor.

(2) For the second offense, a class A misdemeanor.

(3) For the third and subsequent offenses, a class D felony.

3. Evidence of prior convictions shall be heard and determined by the trial court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall enter its findings thereon.

577.020. Breath test for determining alcoholic content of blood.—1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020, 577.030 and 577.050, a chemical test of his breath for the purpose of determining the alcoholic content of his blood if arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while intoxicated. The test shall be administered by or at the direction of a law enforcement officer whenever the person has been arrested for the offense.

2. Chemical analysis of the person's breath, to be considered valid under the provisions of sections 577.020, 577.030 and 577.050, shall be performed according to methods approved by the state division of health by a person possessing a valid permit issued by the state division of health for this purpose. The state division of health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analysis and to issue permits which shall be subject to termination or revocation by the state division of health.

3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

4. Upon the request of the person who submits to a chemical test at the request of a law enforcement officer, full information concerning the test shall be made available to him.

577.030. Effect of chemical analysis as evidence.—1. Upon the trial of any criminal action or violations of county or municipal ordinances arising out of acts alleged to have been committed by any person while driving a motor vehicle while intoxicated, the amount of alcohol in the person's blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence. Such evidence shall be given the following effect:

(1) If there was five-hundredths of one percent or less by weight of alcohol in his blood, it shall be presumed that the person was not intoxicated at the time the specimen was obtained;

(2) If there was in excess of five-hundredths of one percent but less than ten-hundredths of one percent by weight of alcohol in his blood, the fact shall not give rise to any presumption that the person was or was not intoxicated, but the fact may be considered with other competent evidence in determining whether the person was intoxicated;

(3) If there was ten-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood.

3. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.

577.040. Arrest without warrant, when.—An arrest without a warrant by a law enforcement officer, including a uniformed member of the state highway patrol, for a violation of section 577.010 is lawful whenever the arresting officer has reasonable grounds to believe that the person to be arrested has violated the section, whether or not the violation occurred in the presence of the arresting officer; provided, however, that any such arrest without warrant must be made within one and one-half hours after such claimed violation occurred.

577.050. Refusal to submit to chemical test—revocation of license—hearing.—1. If a person under arrest refuses upon the request of the arresting officer to submit to a chemical test, which request shall include the reasons of the officer for requesting the person to submit to a test and which also shall inform the person that his license may be revoked upon his refusal to take the test, then none shall be given. In this event, the arresting officer, if he so believes, shall make a sworn report to the director of revenue that he has reasonable grounds to believe that the arrested person was driving a motor vehicle upon the public highways of this state while in an intoxicated condition and that, on his request, refused to submit to the test. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of not more than one year; or if the person arrested be a nonresident, his operating permit or privilege shall be revoked for not more than one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of not more than one year.

2. If a person's license has been revoked because of his refusal to submit to a chemical test, he may request a hearing before a court of record in the county in which he resides or in the county in which the arrest occurred. Upon his request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the arresting officer. At the hearing the judge shall determine only:

- (1) Whether or not the person was arrested;
- (2) Whether or not the arresting officer had reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated condition; and,
- (3) Whether or not the person refused to submit to the test.

3. If the judge determines any issue not to be in the affirmative, he shall order the director to reinstate the license or permit to drive.

(4) Requests for review as herein provided shall go to the head of the docket of the court wherein filed.

577.060. Leaving the scene of a motor vehicle accident.—1. A person commits the crime of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the highway and knowing that an injury has been caused to a person or damage has been caused to property, due to his culpability or to accident, he leaves the place of the injury, damage or accident without stopping and giving his name, residence, including city and street number, motor vehicle number and chauffeur's or registered operator's number, if any, to the injured party or to a police officer, or if no police officer is in the vicinity, then to the nearest police station or judicial officer.

2. Leaving the scene of a motor vehicle accident is a class D felony.

577.070. Littering.—1. A person commits the crime of littering if he throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without his consent.

2. Littering is a class A misdemeanor.

577.080. Abandoning motor vehicle.—1. A person commits the crime of abandoning a motor vehicle if he abandons any motor vehicle on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without his consent.

2. Abandoning a motor vehicle is a class A misdemeanor.

577.090. Powers of law enforcement officers—limited powers of conservation agents and water patrolman.—Any law enforcement officer shall and any agent of the conservation commission or deputy or employee of the boat commission may enforce the provisions of sections 577.070 and 577.080 and arrest violators thereof; except that conservation agents and deputy boat commissioners may enforce such provisions only upon the water, the banks thereof or upon public land.

577.100. Abandonment of airtight or semiairtight containers.—1. A person commits the crime of abandonment of airtight icebox if he abandons, discards, or knowingly permits to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semiairtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

2. Subsection 1 of this section does not apply to an icebox, refrigerator or other airtight or semiairtight container located in that part of a building occupied by a dealer, warehouseman or repairman.

3. The defendant shall have the burden of injecting the issue under subsection 2 of this section.

4. Abandonment of an airtight icebox is a class B misdemeanor.

578.010. Process server authorized to carry concealed firearm.—Any person authorized to issue or serve process is authorized to carry a concealed firearm, the provisions of any other law to the contrary notwithstanding.

Section A. Effective date.—This act shall become effective on January 1, 1979.
Approved July 6, 1977.

[H. B. 90]

CRIMES AND PUNISHMENT: Homicide offenses and the punishment therefor.

AN ACT to repeal sections 559.005, 559.007, 559.009, 559.011, and 559.013, RSMo Supp.

1975, relating to certain homicide offenses and the punishment therefor and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions and an emergency clause.

SECTION

- A. Enacting clause.
1. Capital murder defined.
2. First degree murder defined.
3. Verdict as to guilty when rendered—finding of guilt, effect of—presentence hearing, admissible evidence—penalty, when imposed—reversible error, effect of.
4. Death penalty, when imposed—minimum of fifty years to be served, when—first and second degree murder, penalties for.

SECTION

5. Evidence to be considered in assessing punishment in capital murder cases.
6. Supreme Court to review all death sentences, notice, contents of—findings required—assistant to Supreme Court authorized, duties of.
7. Finding of unconstitutional provisions, effect of.
- A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 559.005, 559.007, 559.009, 559.011 and 559.013, RSMo Supp. 1975, are repealed and seven new sections enacted in lieu thereof, to be known as sections 1, 2, 3, 4, 5, 6, and 7, to read as follows:

Section 1. Capital murder defined.—Any person who unlawfully, willfully, knowingly, deliberately, and with premeditation kills or causes the killing of another human being is guilty of the offense of capital murder.

Section 2. First degree murder defined.—Any person who unlawfully kills another human being without a premeditated intent to cause the death of a particular individual is guilty of the offense of first degree murder if the killing was committed in the perpetration of or in the attempt to perpetrate arson, rape, robbery, burglary, or kidnapping.

Section 3. Verdict as to guilty when rendered—finding of guilt, effect of—presentence hearing, admissible evidence—penalty, when imposed—reversible error, effect of.—1. At the conclusion of all trials upon an indictment or information for capital murder heard by a jury, and after argument of counsel and proper charge from the court, the jury shall retire to consider a verdict of guilty or not guilty without any consideration of punishment, and by their verdict ascertain, whether the defendant is guilty of capital murder, murder in the first degree, murder in the second degree, manslaughter, or is not guilty of any offense. In nonjury capital murder cases, the court shall likewise first consider a finding of guilty or not guilty without any consideration of punishment, and by its verdict ascertain, whether the defendant is guilty of capital murder, murder in the first degree, murder in the second degree, manslaughter, or is not guilty of any offense.

2. Where the jury or judge returns a verdict or finding of guilty as provided in subsection 1 of this section, the court shall resume the trial and conduct a presentence hearing before the jury or judge at which time the only issue shall be the determination of the punishment to be imposed. In such hearing, subject to the laws of evidence, the jury or judge shall hear additional evidence in extenuation, mitigation, and aggravation of punishment, including the record of any prior criminal convictions and pleas of guilty or pleas of nolo contendere of the defendant, or the absence of any such prior criminal convictions and pleas. Only such evidence in aggravation as the prosecution has made known to the defendant prior to his trial shall be admissible. The jury or judge shall also hear argument by the defendant or his counsel and the prosecuting attorney regarding the punishment to be imposed. The prosecuting attorney shall open and the defendant shall conclude the argument to the jury or judge. Upon conclusion of the evidence and arguments, the judge shall give the jury appropriate instructions and the jury shall retire to determine the punishment to be imposed. In capital murder cases in which the death penalty may be imposed by a jury or judge setting without a jury, the additional

procedure provided in section 5 of this act shall be followed. The jury, or the judge in cases tried by a judge, shall fix a sentence within the limits prescribed by law. The judge shall impose the sentence fixed by the jury or judge. If the jury cannot, within a reasonable time, agree to the punishment, the judge shall impose sentence within the limits of the law; except that, the judge shall in no instance impose the death penalty when, in cases tried by a jury, the jury cannot agree upon the punishment.

3. If the trial court is reversed on appeal because of error only in the presentence hearing, the new trial which may be ordered shall apply only to the issue of punishment.

Section 4. Death penalty, when imposed—minimum of fifty years to be served, when—first and second degree murder, penalties for.—1. Persons convicted of the offense of capital murder shall, if the judge or jury so recommends after complying with the provisions of sections 3 and 5 of this act, be punished by death. If the judge or jury does not recommend the imposition of the death penalty on a finding of guilty of capital murder, the convicted person shall be punished by imprisonment by the division of corrections during his natural life and shall not be eligible for probation or parole until he has served a minimum of fifty years of his sentence.

2. Persons convicted of murder in the first degree shall be punished by imprisonment by the division of corrections during their natural lives. Persons convicted of murder in the second degree shall be punished by imprisonment by the division of corrections for a term of not less than ten years.

Section 5. Evidence to be considered in assessing punishment in capital murder cases.—1. In all cases of capital murder for which the death penalty is authorized, the judge shall consider, or he shall include in his instructions to the jury for it to consider:

(1) Any of the statutory aggravating circumstances enumerated in subsection 2. which may be supported by the evidence.

(2) Any of the statutory mitigating circumstances enumerated in subsection 3. which may be supported by the evidence.

(3) Any mitigating or aggravating circumstances otherwise authorized by law, and

(4) Whether a sufficient aggravating circumstance or circumstances exist to warrant the imposition of death or whether a sufficient mitigating circumstance or circumstances exist which outweigh the aggravating circumstance or circumstances found to exist.

2. Statutory aggravating circumstances shall be limited to the following:

(1) The offense was committed by a person with a prior record of conviction for capital murder, or the offense was committed by a person who has a substantial history of serious assaultive criminal convictions;

(2) The offense was committed while the offender was engaged in the commission of another capital murder;

(3) The offender by his act of capital murder knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the offense of capital murder for himself or another, for the purpose of receiving money or any other thing of monetary value;

(5) The capital murder was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, elected official or former elected official during or because of the exercise of his official duty;

(6) The offender caused or directed another to commit capital murder or committed capital murder as an agent or employee of another person;

(7) The offense was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind;

(8) The capital murder was committed against any peace officer, corrections employee, or fireman while engaged in the performance of his official duty;

(9) The capital murder was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;

(10) The capital murder was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself or another.

3. Statutory mitigating circumstances shall include the following:

(1) The defendant has no significant history of prior criminal activity.

(2) The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.

(3) The victim was a participant in the defendant's conduct or consented to the act.

(4) The defendant was an accomplice in the capital felony committed by another person and his participation was relatively minor.

(5) The defendant acted under extreme duress or under the substantial domination of another person.

(6) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired.

(7) The age of the defendant at the time of the crime.

4. The statutory instructions as determined by the trial judge to be warranted by the evidence shall be given in charge and in writing to the jury for its deliberation. The jury, if its verdict is a recommendation of death, shall designate in writing, signed by the foreman of the jury, the aggravating circumstance or circumstances which it found beyond a reasonable doubt.

5. Unless at least one of the statutory aggravating circumstances enumerated in this section is so found, the death penalty shall not be imposed.

Section 6. Supreme Court to review all death sentences, notice, contents of—findings required—assistant to Supreme Court authorized, duties of.—

1. Whenever the death penalty is imposed in any case, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the supreme court of Missouri. The circuit clerk of the court trying the case, within ten days after receiving the transcript, shall transmit the entire record and transcript to the supreme court together with a notice prepared by the circuit clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report by the judge shall be in the form of a standard questionnaire prepared and supplied by the supreme court of Missouri.

2. The supreme court of Missouri shall consider the punishment as well as any errors enumerated by way of appeal.

3. With regard to the sentence, the supreme court shall determine:

(1) Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor; and

(2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in section 5 of this act; and

(3) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

4. Both the defendant and the state shall have the right to submit briefs within the time provided by the supreme court, and to present oral argument to the supreme court.

5. The supreme court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the supreme court, with regard to review of death sentences, shall be authorized to:

(1) Affirm the sentence of death; or

(2) Set the sentence aside and remand the case for resentencing by the trial judge based on the record and argument of counsel. The records of those similar cases referred to by the supreme court of Missouri in its decision, and the extracts prepared as hereinafter provided for, shall be provided to the resentencing judge for his consideration.

6. There shall be an assistant to the supreme court, who shall be an attorney appointed by the supreme court and who shall serve at the pleasure of the court. The court shall accumulate the records of all capital cases in which sentence was imposed after the effective date of this act or such earlier date as the court may deem appropriate. The assistant shall provide the court with whatever extracted information the court desires with respect thereto, including but not limited to a synopsis or brief of the facts in the record concerning the crime and the defendant. The court shall be authorized to employ an appropriate staff, within the limits of appropriations made for that purpose, and such methods to compile such data as are deemed by the supreme court to be appropriate and relevant to the statutory questions concerning the validity of the sentence. The office of the assistant to the supreme court shall be attached to the office of the clerk of the supreme court for administrative purposes.

7. The sentence review shall be in addition to direct appeal, if taken, and the review and appeal shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.

Section 7. Finding of unconstitutional provisions, effect of.—1. If the United States Supreme Court or the supreme court of Missouri declares the offense of capital murder or the death penalty to be in violation of any provision of the Constitution of the United States or the constitution of Missouri, any killing which would be capital murder under any of the circumstances specified in section 1 of this act shall be deemed to be murder in the first degree and the offender shall be charged and, if convicted, punished as provided by law, except that, he shall not be eligible for probation or parole until he has served a minimum of fifty years of his sentence.

2. If a person is convicted of capital murder and the death penalty imposed after the effective date of this act, and, subsequent thereto, the offense of capital murder or the death penalty is declared by the United States Supreme Court or the supreme court of Missouri to be in violation of any provision of the Constitution of the United States or the constitution of Missouri, a person so convicted and sentenced shall be brought back before the court which originally passed sentence and that court shall resentence such person to imprisonment by the division of corrections during his natural life. A person resented under the provisions of this section shall not be eligible for probation or parole until he has served a minimum of fifty years of his sentence.

Section A. Emergency clause.—Because of the uncertainty as to the constitutionality of Missouri's present death penalty law and the need to have a valid law as a deterrent to violent crime and a protection for Missouri citizens, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved May 26, 1977.

SECTION

1. Unauthorized recording prohibited, when.
2. Sale or offer to sell unauthorized recordings, prohibited.
3. Owner defined.

SECTION

4. Labeling required.
5. Exemptions from law.
6. Person defined.
7. Violations, how punished.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Unauthorized recording prohibited, when.—No person shall, without the consent of the owner, transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, with the intent to sell or cause to be sold for profit or used to promote the sale of any product, the article on which sounds are so transferred.

Section 2. Sale or offer to sell unauthorized recordings, prohibited.—No person shall advertise, or offer for sale or resale, or sell or resell any article that has been produced in violation of the provisions of section 1 of this act, knowing, or having reasonable grounds to know, that the sounds thereon have been so transferred without the consent of the owner.

Section 3. Owner defined.—As used in this act "owner" means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film or other device used for reproducing sounds on phonograph records, discs, tapes, films, or other articles upon which sound is recorded, and from which the transferred recorded sounds are directly or indirectly derived.

Section 4. Labeling required.—The outside cover, box or jacket on all phonograph records, discs, wires, tapes, films, or other articles on which sounds are recorded shall contain thereon in clearly readable print the name and address of the manufacturer and the name of the actual performer or group thereof.

Section 5. Exemptions from law.—This act does not apply to:

- (1) Any radio or television broadcaster who transfers any such sounds as part of or in connection with a radio or television broadcast transmission or for archival preservation;
- (2) Any person transferring any such sounds at home for his personal use without any compensation being derived by such person or any other person from such transfer.
- (3) Any cable television company that transfers any such sounds as part of its regular cable television service.

Section 6. Person defined.—As used in this act, the term "person" means any natural person, corporation, or other business entity.

Section 7. Violations, how punished.—Any person guilty of a violation of this act is punishable as follows:

- (1) For the first offense of a violation of section 1 of this act or any violation of section 2 or section 4 of this act, such person is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars, or by confinement in the county jail not exceeding six months, or by both such fine and confinement.
- (2) For the second and subsequent violations of section 1 of this act, such person is guilty of a felony, and upon conviction, shall be punished by imprisonment by the Division of Corrections for not less than two years nor more than five years.

Approved June 14, 1977.

AN ACT to repeal section 562.260, RSMo 1969, relating to the decriminalization of public drunkenness and to enact in lieu thereof three new sections relating to the same subject.

SECTION

1. Enacting clause.
- 562.260. Drunkenness or drinking in certain places prohibited—violation a misdemeanor.
1. Counties or cities not to arrest or punish for public intoxication.

SECTION

2. Exceptions to freedom from arrest or punishment involving drunkenness or being under influence of alcohol.
3. Intoxicated persons, how handled—officer granted immunity from legal action, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 562.260, RSMo 1969 is repealed and three new sections enacted in lieu thereof, to be known as sections 562.260, 1 and 2, to read as follows:

562.260. Drunkenness or drinking in certain places prohibited—violation a misdemeanor.—It shall be unlawful for any person in this state to enter any schoolhouse or church house in which there is an assemblage of people, met for a lawful purpose, or any courthouse, in a drunken or intoxicated and disorderly condition, or to drink or offer to drink any intoxicating liquors in the presence of such assembly of people, or in any courthouse within this state and any person or persons so doing shall be guilty of a misdemeanor.

Section 1. Counties or cities not to arrest or punish for public intoxication.—No county or municipality, except as provided in section 2, may adopt or enforce a law, rule or ordinance which authorizes or requires arrest or punishment for public intoxication or being a common or habitual drunkard or alcoholic. No county or municipality may interpret or apply any law or ordinance to circumvent the provisions of this section.

Section 2. Exceptions to freedom from arrest or punishment involving drunkenness or being under influence of alcohol.—Nothing in section 1 shall be construed to affect any law, rule or ordinance against drunken driving, driving under the influence of alcohol or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, firearms or other equipment, or regarding the sale, purchase, dispensing, possessing or use of alcoholic beverages at stated times and places or by a particular class of persons, nor shall section 1 prevent the apprehension, arrest, incarceration and prosecution of any person who commits any other crime while intoxicated or under the influence of alcohol.

Section 3. Intoxicated persons, how handled—officer granted immunity from legal action, when.—(1) A person who appears to be incapacitated or intoxicated may be taken by a peace officer to the person's residence, to any available treatment service, or to any other appropriate local facility, which may if necessary include a jail, for custody not to exceed twelve hours.

(2) Any officer detaining such person shall be immune from prosecution for false arrest and shall not be responsible in damages for taking action pursuant to subsection 1 above if the officer has reasonable grounds to believe the person is incapacitated or intoxicated by alcohol and he does not use unreasonable excessive force to detain such person.

(3) Such immunity from prosecution includes the taking of reasonable action to protect himself or herself from harm by the intoxicated or incapacitated person.

Approved July 27, 1977.

AN ACT to repeal section 563.721, RSMo 1969, relating to the selling of certain goods on Sunday and enacting in lieu thereof one new section relating to the same subject, with penalty provisions.

SECTION

1. Enacting clause.

SECTION

- 563.721. Selling goods on Sunday, penalty—exemption from prohibition, when—form of ballot—duty of revisor of statutes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Enacting clause.—Section 563.721, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 563.721, to read as follows:

563.721. Selling goods on Sunday, penalty—exemption from prohibition, when—form of ballot—duty of revisor of statutes.—1. Whoever engages on Sunday in the business of selling or sells or offers for sale on such day, at retail, motor vehicles; clothing and wearing apparel; clothing accessories; furniture; housewares; home, business or office furnishings; household, business or office appliances; hardware; tools; paints; building and lumber supply materials; jewelry; silverware; watches; clocks; luggage; musical instruments and recordings or toys; excluding novelties and souvenirs; is guilty of a misdemeanor and shall upon conviction for the first offense be sentenced to pay a fine of not exceeding one hundred dollars, and for the second or any subsequent offense be sentenced to pay a fine of not exceeding two hundred dollars or undergo confinement not exceeding thirty days in the county jail in default thereof.

2. Each separate sale or offer to sell shall constitute a separate offense.

3. Information charging violations of this section shall be brought within five days after the commission of the alleged offense and not thereafter.

4. The operation of any place of business where any goods, wares or merchandise are sold or exposed for sale in violation of this section is hereby declared to be a public and common nuisance.

5. Any county of this state containing all or part of a city with a population of over four hundred thousand may exempt itself from the application of this section by submission of the proposition to the voters of the county at a general election or a special election called for that purpose, and the proposition receiving a majority of the votes cast therein. The proposal to exempt the county from the provisions of this act shall be submitted to the voters of the county upon a majority vote of the governing body of the county or when a petition requesting the submission of the proposal to the voters and signed by a number of qualified voters residing in the county equal to eight percent of the votes cast in the county in the next preceding gubernatorial election is filed with the governing body of the county. The ballot of submission shall contain, but not be limited to the following language:

- ☐ For the exemption of county
from the Sunday sales law
- ☐ Against the exemption of county
from the Sunday sales law

If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are in favor of the proposal, then the provisions of this section shall no longer apply within that county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are opposed to the proposal, then the provisions of this section shall continue to apply and be enforced within that county. The exemption of any county from the provisions of this section shall not become effective in that county until the results of the vote exempting the county have been filed with the secretary of state and with the revisor of statutes and have been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions of this section in the Missouri revised statutes.

Approved May 31, 1977.

[S. B. 96]

CRIMES AND PUNISHMENT: Telephone service fraud.

AN ACT to prohibit certain activities relating to telephone service with a penalty provision.

SECTION

1. Telephone service fraud.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Telephone service fraud.—A person commits the crime of telephone service fraud if the person by deceit obtains or attempts to obtain telephone service without paying the lawful charge, except that it shall not be unlawful for a person to purchase, rent or use telephones or telephone receiving equipment acquired from a lawful source, other than the telephone utility certified to serve the area in which such person resides.

2. A person commits the crime of electronic telephone fraud if the person knowingly

- (1) uses, in connection with the making or receiving of a telephone call; or
- (2) has possession of; or
- (3) transfers possession or causes the transfer of possession to another; or
- (4) makes or assembles;

an electronic or mechanical device which, when used in connection with a telephone call, will cause the billing system of a telephone company to record incorrectly, or omit to record correctly, any fact by which the person responsible for paying the charge for a telephone call is determined.

3. Venue for trial shall be as follows:

(1) An offense under Sections 1, and 2 (1) which involve the placing of telephone calls may be deemed to have been committed at either the place at which the telephone calls were made, or at the place where the telephone calls were received.

(2) An offense under Sections 2 (2), 2 (3) and 2 (4) may be deemed to have been committed where the device was found, or at the place where the device was transferred or fabricated.

4. (1) An offense under Section 1 shall be punished by a fine not to exceed \$500.00 or by confinement in jail for not more than six months, or both; except that if the telephone charges avoided or attempted to be avoided pursuant to one scheme or course of conduct exceed \$50.00, the offense shall be punished by a fine of not more than \$1,000.00, or by confinement in jail for not more than one year, or both.

(2) An offense under Sections 2 (1) through 2 (5), shall be punished by a fine of not more than \$1,000.00, confinement in jail for not more than one year, or both; except that if defendant received consideration from another as a consequence of the use, transfer, or fabrication of the device, the offense shall be punished as provided in subsection 4 (3).

(3) If the defendant has been convicted previously of an offense under this act or of an offense under the laws of another state of the United States which would have been an offense under this act if committed in this state, then the offense shall be punished by a fine of not more than \$5,000.00 or by imprisonment by the Division of Corrections for not less than two nor more than five years, or both.

5. A Search Warrant shall be issued by any court of competent jurisdiction upon a finding of probable cause to believe an instrument or device described in Sections 1 and 2 is housed in a particular structure, vehicle or upon the person.

Approved June 8, 1977.

VETOED BILLS

House Bill No. 102:

AN ACT to repeal section 390.030, RSMo Supp. 1975, relating to certain motor vehicles regulated by the public service commission, and to enact in lieu thereof one new section relating to the same subject.

House Bill No. 217:

AN ACT to repeal section 523.010, RSMo 1969, relating to the procedure for condemnation of land by certain corporations, and to enact in lieu thereof one new section relating to the same subject.

House Bill No. 254:

AN ACT to repeal section 251.020, RSMo 1969, relating to the department of community affairs and to enact in lieu thereof one new section relating to the same subject.

House Bill No. 258:

AN ACT to repeal sections 162.351 and 162.492, RSMo 1969, relating to elections in certain school districts, and to enact in lieu thereof two new sections relating to the same subject.

House Bill No. 266:

AN ACT to repeal sections 311.180 and 312.100, RSMo 1969, relating to distribution of, issuance of permits for, and extension of time for sale of alcoholic beverages, and to enact in lieu thereof six new sections relating to the same subject.

House Bill No. 288:

AN ACT to repeal sections 560.300 and 560.305, RSMo 1969, relating to offenses against property and to enact in lieu thereof, two new sections relating to the same subject, with penalty provisions.

House Bill No. 381:

AN ACT to repeal section 288.060, RSMo 1969, relating to employment security and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

House Bill No. 402:

AN ACT to repeal section 235.170, RSMo 1969, relating to rate of levy imposed by street light districts and to enact in lieu thereof one new section relating to the same subject.

Senate Substitute for House Committee Substitute for House Bill Nos. 428 and 602:

AN ACT relating to the establishment of a general revenue fund and a federal grant program fund in the treasury regulating expenditures therefrom, and requiring specified information therein, with separate effective dates for specific portions of the act.

Senate Bill No. 86:

AN ACT to repeal sections 264.010, 264.020, 264.030, 264.040, 264.050 and 264.060, RSMo 1969, relating to apiaries, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions and an effective date.

RESOLUTIONS

PROPOSED AMENDMENTS TO CONSTITUTION OF MISSOURI

House Joint Resolution No. 8.—Defines lottery to permit games of chance where nothing of value is exchanged for opportunity to participate or receive prize.

JOINT RESOLUTION submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the constitution of Missouri relating to limitations on the power of the general assembly and adopting one new section in lieu thereof relating to the same subject.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the constitution of the state of Missouri:

Section 1. Section 39, article III, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39, to read as follows:

Section 39. The general assembly shall not have power:

(1) To give or lend or to authorize the giving or lending of the credit of the state in aid or to any person, association, municipal or other corporation;

(2) To pledge the credit of the state for the payment of the liabilities, present or prospective, of any individual, association, municipal or other corporation;

(3) To grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor after service has been rendered or a contract has been entered into and performed in whole or in part;

(4) To pay or to authorize the payment of any claim against the state or any county or municipal corporation of the state under any agreement or contract made without express authority of law;

(5) To release or extinguish or to authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual due this state or any county or municipal corporation;

(6) To make any appropriation of money for the payment, or on account of or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An Act to Audit and Adjust the War Debts of the State," approved March 19, 1874, or any act of a similar nature, until the claim so audited shall have been presented to and paid by the government of the United States to this state;

(7) To act, when convened in extra session by the governor, upon subjects other than those specially designated in the proclamation calling said session or recommended by special message to the general assembly after the convening of an extra session;

(8) To remove the seat of government from the City of Jefferson;

(9) To authorize lotteries or gift enterprises for any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; except that, nothing in this section shall be so construed as to prevent or prohibit citizens of this state from participating in games or contests of skill or chance where no consideration is required to be given for the privilege or opportunity of participating or for receiving the award or prize and the term "lottery or gift enterprise" shall mean only those games or contests whereby money or something of value is exchanged directly for the ticket or chance to participate in the game or contest.

The general assembly may, by law, provide standards and conditions to regulate or guarantee the awarding of prizes provided for in such games or contests under the provision of this subdivision.

(10) To impose a use or sales tax upon the use, purchase or acquisition of property paid for out of the funds of any county or other political subdivision.

House Joint Resolution No. 21.—Permits officers established by contract between municipalities or political subdivisions to issue revenue bonds for utility, industrial and airport purposes when authorized by voters.

JOINT RESOLUTION submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the constitution of Missouri relating to revenue bonds for utility, industrial and airport purposes and adopting one new section in lieu thereof relating to the same subject.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VI of the constitution of the state of Missouri:

Section 1. Section 27, article VI, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 27, to read as follows:

Section 27. Any city or incorporated town or village in this state, by vote of a majority of the qualified electors thereof voting thereon, and any joint board, commission, officer or officers established by a joint contract between municipalities or political subdivisions in this state, by vote of a majority of the qualified electors voting thereon in each of the municipalities or political subdivisions, may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, construction, extending or improving any of the following: (1) revenue producing water, gas or electric light works, heating or power plants; (2) plants to be leased or otherwise disposed of pursuant to law to private persons or corporations for manufacturing and industrial development purposes, including the real estate, buildings, fixtures and machinery; or (3) airports; to be owned by the municipality or by the cooperating municipalities or political subdivisions, either exclusively or jointly or by participation with cooperatives, municipally owned or public utilities, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenues derived by the municipality or by the cooperating municipalities or political subdivisions from the operation of the utility or the lease of the plant. No such joint board, commission, officer or officers established by a joint contract, or any joint venture or cooperative action or undertaking of any kind or character shall purchase, construct, extend or improve any revenue producing water, gas or electric light works, heating or power plants unless and until such joint boards, commissions, officer or officers, or any joint venture or cooperative action and all utility operations conducted by any joint board, commission, officer or officers are fully regulated in all respects as a public utility.

Senate Substitute for Senate Joint Resolution No. 4.—Authorizes any county having a population of at least 80,000 according to the 1970 U. S. census to adopt a charter form of government.

JOINT RESOLUTION submitting to the qualified voters of Missouri, an amendment

repealing section 18(a) of article VI of the constitution of Missouri relating to the adoption of county charters and adopting one new section in lieu thereof relating to the same subject.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VI of the constitution of the state of Missouri:

Section 1. Section 18(a), article VI, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 18(a), to read as follows:

Section 18(a). Any county having more than 85,000 inhabitants, according to the census of the United States or any county having a population of at least 80,000 according to the 1970 census of the United States, may frame and adopt and amend a charter for its own government as provided in this article, and upon such adoption shall be a body corporate and politic.

Senate Joint Resolution No. 14.—Authorizes counties to issue utility or airport revenue bonds with voter approval; authorizes governing bodies of counties and municipalities to issue industrial development revenue bonds.

JOINT RESOLUTION submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the constitution of Missouri relating to the indebtedness of certain political subdivisions and adopting one new section in lieu thereof relating to the same subject.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VI of the constitution of the state of Missouri:

Section 1. Section 27, article VI, constitution of Missouri, is repealed and three new sections adopted in lieu thereof, to be known as sections 27(a), 27(b), and 27(c), to read as follows:

Section 27(a). Any county, city or incorporated town or village in this state, by vote of a majority of the qualified electors thereof voting thereon, may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, constructing, extending or improving any of the following: (1) revenue producing water, gas or electric light works, heating or power plants; or (2) airports; to be owned exclusively by the county, city or incorporated town or village, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenues derived by the county, city or incorporated town or village from the operation of the utility or airport.

Section 27(b). Any county, city or incorporated town or village in this state, by a majority vote of the governing body thereof, may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, constructing, extending or improving any facility to be leased or otherwise disposed of pursuant to law to private persons or corporations for manufacturing, commercial, warehousing and industrial development purposes, including the real estate, buildings, fixtures and machinery. The cost of operations and maintenance and the principal and

interest of the bonds shall be payable solely from the revenues derived by the county, city, or incorporated town or village from the lease or other disposal of the facility.

Section 27(c). As used in article VI, sections 27(a) and 27(b), the term "revenue bonds" means bonds neither the interest nor the principal of which is an indebtedness or obligation of the issuing county, city or incorporated town or village.

Senate Joint Resolution No. 18.—Provides that redistricting of state senatorial and representative districts now performed by Supreme Court Commissioners shall be performed by an appointed Commission of Appellate Judges.

JOINT RESOLUTION submitting to the qualified voters of Missouri, an amendment repealing sections 2, 3 and 7 of Article III of the Constitution of Missouri relating to the legislative department and adopting four new sections in lieu thereof relating to the same subject.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article III of the constitution of the state of Missouri:

Section 1. Sections 2, 3 and 7, Article III constitution of Missouri, are repealed and four new sections adopted in lieu thereof, to be known as sections 2, 3, 7 and 7(a), to read as follows:

Section 2. The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned in the following manner: Within sixty days after the population of this state is reported to the President for each decennial census of the United States and, in the event that a reapportionment has been invalidated by a court of competent jurisdiction and that the decree of such court has become final, within sixty days after notification by the governor that such a ruling has been made, the congressional district committee of each of the two parties casting the highest vote for governor at the last preceding election shall meet and the members of the committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, two members of their party, residents in that district, as nominees for reapportionment commissioners. Neither party shall select more than one nominee from any one state legislative district. The congressional committees shall each submit to the governor its list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

If any of the congressional committees fails to submit a list within such time the governor shall appoint a member of his own choice from that district and from the political party of the committee failing to make the appointment.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

For the purposes of this article, the term congressional district committee or congressional district refers to the congressional district committee or the congressional district from which a congressman was last elected, or, in the event members of congress from this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which congressmen were last elected, and the term

congressional district refers to those districts from which congressmen were last elected. Any action pursuant to this section by the congressional district committee shall take place only at duly called meetings, shall be recorded in their official minutes and only members present in person shall be permitted to vote.

The commissioners so selected shall on the fifteenth day, excluding Sundays and holidays, after all members have been selected, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. A copy of the agenda shall be filed with the clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

The commission shall reapportion the representatives by dividing the population of the state by the number one hundred sixty-three and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure.

Each district shall be composed on contiguous territory as compact as may be.

Not later than five months after the appointment of the commission, the commission shall file with the secretary of state a tentative plan of apportionment and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons.

Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven-tenths of the members.

After the statement is filed members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the house of representatives shall be apportioned by a commission composed of six members appointed from among the judges of the appellate courts of the state of Missouri chosen as provided in section 7 (a) of this article, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided.

Each member of the commission other than the commission composed of appellate judges shall receive as compensation twenty-five dollars a day for each day the commission is in session but not more than one thousand five hundred dollars, and, in addition, shall be reimbursed for his actual and necessary expenses incurred while serving as a member of the commission.

No reapportionment shall be subject to the referendum.

Section 3. Notwithstanding the time limits prescribed in section 2 of this amendment, in selecting the first commission to reapportion the house of representatives the following times shall be observed:

The congressional district committees shall select the nominees of the commission within five days after the effective date of adopting this amendment.

The governor shall appoint the members of the commission within five days after the congressional district committees have submitted their lists.

The commission shall meet on the fifth day after its members have been selected. If the fifth day falls on Saturday, Sunday or a holiday, the commission shall meet on the first day following that it is not a Saturday, Sunday or a holiday.

The commission shall file its tentative plan and map within thirty days after its appointment, public hearings shall be held during the ensuing seven days and the commission shall file its final statement and map within forty days after its appointment.

In the event the commission appointed from among the appellate judges is charged with the apportionment of the house of representatives, it shall file its plan of apportionment and map with the secretary of state within fifteen days of the discharge of the first commission.

Excepting only the time limits prescribed in this section, all provisions of section 2 shall apply.

Section 7. Within sixty days after the population of this state is reported to the President for each decennial census of the United States, and within sixty days after notification by the governor that a reapportionment has been invalidated by a court of competent jurisdiction and that the decree of such court has become final, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall, at a committee meeting duly called, select by a vote of the individual committee members, and thereafter submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members, five from each list, to reapportion the thirty-four senatorial districts and to establish the numbers and boundaries of said districts.

If either of the party committees fails to submit a list within such time the governor shall appoint five members of his own choice from the party of the committee so failing to act.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

The commissioners so selected shall on the fifteenth day, excluding Sundays and holidays, after all members have been selected, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. A copy of the agenda shall be filed with the secretary of the senate within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

The commission shall reapportion the senatorial districts by dividing the population of the state by the number thirty-four and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure: no county lines shall be crossed except when necessary to add sufficient population to a multidistrict county or city to complete only one district which lies partly within such multidistrict county or city so as to be as nearly equal as practicable in population. Any county with a population in excess of the quotient obtained by dividing the population of the state by the number thirty-four is hereby declared to be a multidistrict county.

The commission shall file with the secretary of state a full statement of the numbers of the districts and the boundaries of the districts, and no statement shall be valid unless approved by at least seven members.

After the statement is filed senators shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the senate shall be apportioned by a commission composed of six members appointed from among the judges of the appellate courts of the state of Missouri chosen as provided in section 7 (a) of this article, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter senators shall be elected according to such districts until a reapportionment is made as herein provided.

Each member of the commission other than the commission composed of appellate judges shall receive as compensation twenty-five dollars a day for each day the commission is in session, but not more than one thousand five hundred dollars, and, in addition, shall be reimbursed for his actual and necessary expenses incurred while serving as a member of the commission.

No reapportionment shall be subject to the referendum.

Section 7 (a). In the event the reapportionment commission, charged with the initial responsibility of reapportionment as provided in this article, fails to file a reapportionment plan as hereinbefore set out in sections 2 and 7 of this article, or either, then the chairman of the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall, within ten days thereafter, submit to the governor a list of three persons from among the membership of the judges of the supreme court and the courts of appeal of this state, and within five days thereafter the governor shall appoint said six nominees as a special commission to act as hereinabove set forth.

Senate Joint Resolution No. 19.—Changes state treasurer's duties concerning investment of state funds and authorizes legislature to require treasurer to perform other duties.

JOINT RESOLUTION submitting to the qualified voters of Missouri, an amendment repealing section 15 of article IV of the constitution of Missouri relating to the duties of the state treasurer concerning investment of state funds and adopting one new section in lieu thereof relating to the same subject.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the constitution of the state of Missouri:

Section 1. Section 15, article IV, constitution of Missouri, is repealed and one new section is adopted in lieu thereof, to be known as section 15, to read as follows:

Section 15. The state treasurer shall be custodian of all state funds. All revenue collected and moneys received by the state from any source whatsoever shall go promptly into the state treasury, and all interest, income and returns therefrom shall belong to the state. Immediately on receipt thereof the state treasurer shall deposit all moneys in the state treasury to the credit of the state in banking institutions selected by him and approved by the governor and state auditor, and he shall hold them for the benefit of the respective funds to which they belong and disburse them as provided by law. The state treasurer shall determine by the exercise of his best judgment the amount of state moneys that are not needed for current operating expenses of the state government and shall place all such moneys not needed for payment of the current operating expenses of the state government on time deposit, whose maturity shall not exceed two years, bearing interest, in savings and loan associations and banking institutions in this state selected by the state treasurer and approved by the governor and state auditor, in short term United States government obligations maturing and becoming payable two years or less from the date of issue or in obligations of federal agencies maturing and becoming payable not more than two years from the date of purchase. In addition the treasurer may enter into repurchase agreements secured by United States treasury obligations or federal agency obligations of any maturity. The investment and deposit of such funds shall be subject to such restrictions and requirements as may be prescribed by law. Any banking institution or savings and loan association in which state funds are deposited shall give security satisfactory to the governor, state auditor and state treasurer for the safekeeping and payment of the deposits and interest thereon pursuant to deposit agreements made with the state treasurer pursuant to law. Other provisions of this article notwithstanding, the treasurer may, when so authorized by law, serve as the investing agent for any

department, agency or other entity of the state or of any political subdivision of the state, and may make such investments as may be prescribed by law.

HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 13.

WHEREAS, the states of Missouri and Kansas attempted to finally determine the western boundary of Missouri and the eastern boundary of Kansas by an interstate compact entered into in 1949; and

WHEREAS, as flood in 1952 changed the course of the Missouri river thereby causing doubt as to the exact location of the boundary between the two states; and

WHEREAS, this dispute causes uncertainty concerning which state may assess the property involved or assert jurisdiction over hunting and fishing in the area; and

WHEREAS, the Kansas legislature has appointed a six-member commission to discuss this dispute with proper Missouri officials;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that a joint committee of the General Assembly be created to be composed of three members of the House of Representatives, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that the committee be directed to meet with the like committee of the Kansas legislature in order to determine the most expeditious manner of determining the boundary between Buchanan County, Missouri, and Doniphan County, Kansas; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research provide such legal, research, clerical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislation it deems appropriate, for submission to the Seventy-ninth General Assembly; and

BE IT FURTHER RESOLVED that the committee be authorized to function during the interim between the first and second regular sessions of the Seventy-ninth General Assembly and that the actual and necessary expenses of the committee, its members and the research and clerical personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee or any subcommittee thereof, be paid from the joint contingent fund.

**EFFECTIVE DATE AND PAGE NUMBER OF LAWS PASSED BY
THE SEVENTY-NINTH GENERAL ASSEMBLY,
FIRST REGULAR SESSION**

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S. B. 2	9-28-77	406	C. C. S. H. C. S. S. B.		
S. B. 3	9-28-77	410	122 and 289	9-28-77	166
S. B. 5	1- 1-78	657	S. B. 124	9-28-77	156
S. B. 6	9-28-77	526	S. B. 136	9-28-77	597
C. C. S. S. B. 9	9-29-77		S. B. 139	9-28-77	405
	3- 6-79	164	H. C. S. S. B. 142 and		
H. C. S. S. S. S. B. 12	9-28-77	402	433	9-28-77	630
S. B. 46	1- 1-78	322	S. B. 143	9-28-77	356
H. S. S. B. 47	9-28-77	385	S. B. 147	9-28-77	653
S. S. S. B. 48	9-28-77	627	H. C. S. S. B. 151	9-28-77	501
S. C. S. S. B. 49	6- 8-77	461	S. S. S. B. 152	6-14-77	368
S. B. 60	1- 1-79	658	S. B. 159	9-28-77	378
S. B. 62	9-28-77	512	S. B. 160	9-28-77	375
S. B. 68	9-28-77	189	H. C. S. S. B. 164	9-28-77	500
S. B. 73	9-28-77	195	S. B. 180	9-28-77	599
S. S. S. B. 74	9-28-77	384	S. S. S. B. 185	9-28-77	388
S. B. 75	9-28-77	610	S. B. 194	9-28-77	504
S. B. 82	9-28-77	364	S. B. 198	9-28-77	178
S. B. 92	9-28-77	722	H. C. S. S. B. 214	9-28-77	320
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S. B. 104	9-28-77	328	S. B. 255	5- 1-77	186
S. B. 105	9-28-77	601	S. B. 262	9-28-77	387
S. B. 111	9-28-77	366	S. B. 267	9-28-77	532
S. B. 112	9-28-77	171	S. S. S. B. 272	9-28-77	506
S. C. S. S. B. 115	9-28-77	538	S. B. 273	9-28-77	315
S. B. 120	9-28-77	640	S. B. 274	9-28-77	563

SENATE BILLS (continued)

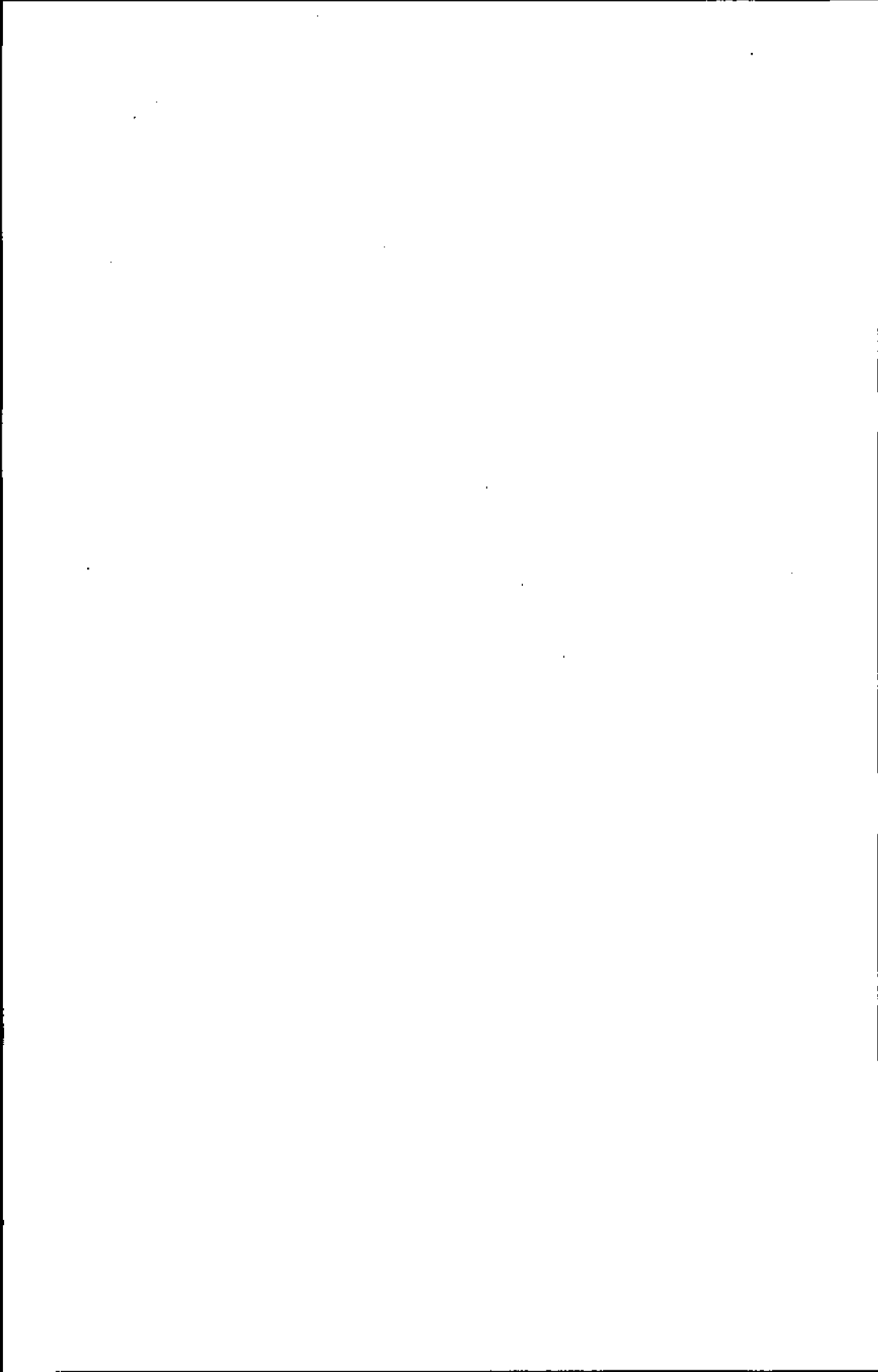
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S. B. 314	9-28-77	163	S. B. 400	9-28-77	464
S. B. 317	9-28-77	600	S. B. 416	9-28-77	179
S. B. 322	9-28-77	579	S. B. 419	9-28-77	130
S. B. 325	9-28-77	369	S. B. 420	9-28-77	544
S. C. S. S. B. 326	9-28-77	537	C. C. S. S. B. 424	3-30-77	386
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LAWS of MISSOURI

Passed at the

First Extra Session

**SEVENTY-NINTH
GENERAL ASSEMBLY**



Laws Passed by the Seventy-ninth General Assembly (First Extra Session)

[C. C. S. H. B. 1]

APPROPRIATIONS: Capital improvements.

AN ACT to appropriate money for Capital Improvement purposes for the several departments of the state government, from the funds herein designated, for the period beginning July 1, 1977 and ending June 30, 1978.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1.010. To the Department of Elementary and Secondary Education
For the Missouri School for the Deaf
For Physical Plant Improvements

Safety Programs and Replacements -

Replace fire water lines, install fire escapes in Stark Hall, replace standby steam boiler in power house, replace roof at Kerr Hall, replace stage curtains, renovate locker and shower rooms, tuckpoint and waterproof three buildings, install exterior lighting at various locations.

Total Physical Plant Improvements	\$228,250
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For Additions, Renovations and Rehabilitation -

Existing Structures

Renovate Heating System and Air Condition Infirmary -

Renovate heating system and add air conditioning to McCall Infirmary	173,835
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Vocational Building -

Planning funds to renovate present Vocational Building or to construct new Vocational Building	50,000
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From Revenue Sharing Trust Fund	\$452,085
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Section 1.015. To the Department of Elementary and
Secondary Education

For the Missouri School for the Blind

For Physical Plant Improvements

General Maintenance and Repair -

Replace windows, screens, painting, roofing and other general repairs

From Anti-Recession Fiscal Assistance

Funds	\$45,472
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Section 1.020. To the Department of Elementary and
Secondary Education

For the State Schools for the Severely Handicapped

For the Physical Plant Improvements

General Maintenance and Repair -

Provide general maintenance and repair of existing buildings

Total Physical Plant Improvements	\$220,600
For New Structures - Land Acquisition	
State School for Severely Handicapped - Poplar Bluff -	
Construct a school for severely handicapped children	1,029,983
State School for Severely Handicapped - Kansas City -	
Construct a school for severely handicapped children	1,838,184
State School for Severely Handicapped - St. Louis -	
Construct classroom addition to the St. Louis School #70	252,369
State School for Severely Handicapped - Harrisonville-	
Construct a school for severely handicapped children	178,640
State School for Severely Handicapped - Flat River-	
Construct a school for severely handicapped children	95,480
State School for severely Handicapped - Sedalia-	
Construct a school for severely handicapped children	905,257
State School for Severely Handicapped - Potosi-	
Construct a school for severely handicapped children	95,480
From Revenue Sharing Trust Fund	\$4,615,993

Section 1.021. To the Office of Administration
For the Division of Design and Construction
For a feasibility study as to the needs and economic justification for a State Office Building in St. Joseph, Missouri.

From Revenue Sharing Trust Fund \$20,000

Section 1.023. To the Office of Administration
For the Missouri Court of Appeals -
Kansas City District

For Feasibility studies and preliminary planning and negotiation, to develop a recommendation to the Missouri General Assembly and the Jackson County Legislature by January 16, 1978, for the best method of obtaining new space for the Missouri Court of Appeals-Kansas City District.

From Revenue Sharing Trust Fund \$50,000

Section 1.024. To the Office of Administration
For study to be conducted with outside architectural and accounting firms to determine:

1. Need for a Federal-State Soldiers Home in Macon, Missouri
2. Percentage of need to be filled by acceptance of

- Hildreth Sanatorium Building
3. Structural quality of Hildreth Sanatorium Building
4. Cost of renovation of Hildreth Sanatorium Building
5. Operating costs of a Macon Veterans Home in each of the next ten fiscal years.
6. Alternative plan to serve any need found in subparagraph 1. above, including fiscal costs thereof; and any and all other data necessary to determine fiscal desirability of such a facility or alternative plans.

From Revenue Sharing Trust Fund \$25,000

Section 1.025. To the Office of Administration

For the Division of Design and Construction

For Physical Plant Improvements - Capitol

Complex

General Repairs -

Continue general repairs throughout the Capitol Complex including plastering, painting, electrical, steam, water, sewer lines, roof flashing, sidewalks, streets, minor renovations, etc.

\$465,000

Emergency Contingency Reserve -

Repairs and replacements that occur throughout the year and which have not been programmed in other requests

50,000

General Repairs - Governor's Mansion -

General structural repairs on the interior of the building, minor renovations, equipment replacement, furnishings and other related repairs

100,000

Total Physical Plant Improvements 615,000

For additions, Renovations & Rehabilitation -

Existing Structures - Capitol Complex - General Renovations/Office Relocation - Renovation to existing spaces within state-owned buildings and for relocation costs

350,000

Central Air Conditioning - Capitol and Broadway Buildings -

Complete Phase 3 of four phases to the central air conditioning of the Capitol Building and begin Phase 1 of the central air conditioning of the Broadway Building

900,000

Utility Revisions -

A phased program of major utility revisions within the Capitol Complex necessary to begin a program of energy use conservation

275,000

Major Exterior Renovations - Capitol Complex-

Renovate the three fountains on the Capitol Buildings grounds and the existing pool and fountain at the Jefferson Building

170,000

Major Repairs - Jefferson Building -

Provide for Repairs to the exterior of the Jefferson Building	110,000
From Revenue Sharing Trust Fund	\$2,420,000
Section 1.026. To the Office of Administration	
For the Harry S. Truman State Office Building in Jefferson City	
For completion of planning, land acquisition, soils investigation, surveys, and other related expenses	
From Revenue Sharing Trust Fund	\$1,373,511
Section 1.027. To the Office of Administration	
For the Division of Design and Construction	
For renovation and repair of office space in rooms numbering 100-106, 123, 124, and 127-130 in the Capitol Building	\$230,000
For relocation expenses - Division of EDP Coordination	30,000
From Revenue Sharing Trust Fund	\$260,000
Section 1.028. To the Office of Administration	
For the construction of hearing rooms in the basement in the Capitol Building	
From Revenue Sharing Trust Fund	\$50,000
Section 1.029. To the Board of Public Buildings	
For site acquisition, planning and construction of the Wainwright State Office Building, St. Louis, Midtown State Office Building (in accordance with a letter of intent dated September 13, 1977), St. Louis, and a Springfield State Office Building or buildings, Springfield, provided, however, that the construction and direct operating costs of any parking facilities in connection with any such buildings shall be recovered over a period of the useful life of the facilities through rental charges for spaces in said parking facilities	
From proceeds of sale of Revenue Bonds	\$21,000,000
From Revenue Sharing Trust Fund	\$5,792,062
Total	\$26,792,062
Section 1.030. To the Department of Agriculture	
For the Missouri State Fair	
For Physical Plant Improvements	
Utility Study/Safety Programs -	
Provide an engineering study of the campus-wide utility systems, replace wiring in five buildings and add fire escapes to the Women's Building	\$81,312
General Repairs -	
Replace or repair roofing on six buildings, tuckpoint and waterproof four buildings and remove rust and cap grandstand concrete pillars	98,140
Roadways/Ventilation -	

APPROPRIATIONS

745

Repair roadways on campus and provide Coliseum ventilation	20,000	
Total Physical Plant Improvements	199,452	
For New Structures - Land Acquisition Restroom - Construct a restroom on the new 60-acre camp- ground including shower facilities	36,000	
Miscellaneous Construction - Electrical system to campgrounds on new 60 acres, construct marquis and construct wash racks at the Simmental and Hereford Cattle Barn	48,200	
Overhead Walkway - Construct an overhead walkway to the new 60-acre campground	67,200	
Sheep Pavilion - Construct approximately 6,500 square foot addition to Sheep Pavilion	72,800	
From Revenue Sharing Trust Fund		\$423,652
Section 1.035. To the Department of Conservation For Conservation Commission Fund Projects From Conservation Commission Fund		\$21,225,000
Section 1.036. To the Department of Consumer Affairs. Regulation and Licensing For the Division of Tourism For construction of a tourist information center to be located in Northeast Missouri	\$200,000	
For construction of a tourist information center to be located in Northwest Missouri	80,000	
From Revenue Sharing Trust Fund		\$280,000
Section 1.040. To the Department of Highways For Physical Plant Improvements From State Highway Department Fund		\$170,850
Section 1.045. To the Department of Natural Resources For the Division of Parks and Recreation For Revenue Bond Retirement	\$250,000	
For Physical Plant Improvements Landscaping and Rehabilitation - Landscaping of areas that have high use and need continual major upkeep	50,000	
For Additions, Renovations & Rehabilitation - Existing Structures Lee C. Fine Airport - Work will include, but not be limited to runway extension and improvements, taxiways extension and improvements, and general building improvements	450,000	
Existing State Park System -		

Repair and maintenance at various state parks	500,000
Road and Parking Repair -	
Repair and maintenance of 200 miles of roads throughout the park system	250,000
Existing State Park System -	
Land acquisition, historic restoration, water and sewer improvements, campground development, service residences, restroom development, visitors' center, lakes and dams and other support facilities	3,447,000
Lewis and Clark State Park	
For the purpose of purchasing equipment, and for one year's operation to dredge the lake	575,000
New State Parks - Acquisition and Development	2,000,000
Group Camp Program at Edmund A. Babler Memorial Park	
Construct a swimming pool	150,000
Wakonda State Park	
For the purpose of dredging the lake	100,000
For general site improvement	150,000
Battle of Athens State Park	
For the acquisition of land	100,000
For general site improvement	150,000
Bothwell Lodge	
For road construction, parking lot construction picnic area development and other improvements	100,000
From Anti-Recession Fiscal Assistance Fund	750,000
From Revenue Sharing Trust Fund	2,347,000
From Building Fund (Revenue Bonds)	1,525,000
From State Park Earnings Fund	1,725,000
From Land and Water Fund	1,475,000
From Federal Funds	450,000
Total - Division of Parks and Recreation	\$8,272,000
For Division of Geology and Land Survey	
For Physical Plant Improvements	
Maintenance/Repair -	
Replace existing roofing, repair parking lots, driveway and curbing	
From Revenue Sharing Trust Fund	58,404
Total - Department of Natural Resources (all funds)	\$8,330,404
Section 1.050. To the Department of Public Safety	
For the Missouri State Highway Patrol	
For Physical Plant Improvements	
General Repairs and Improvements - Troop A	
Headquarters -	
Various repairs and replacements of roofs, steps, air conditioners, air exhausts, lighting,	

ceiling, plaster, painting, partitioning, doors, drives and parking lots	\$96,500
Troup G Headquarters - Miscellaneous Repairs - Replace roof on Troup G Headquarters, Willow Springs	18,000
Replace Floor Covering - Replace floor covering in the dormitory at the Training Academy	16,500
For New Structures - Land Acquisition	
Troop F Headquarters - Construct new Troop F Headquarters at Jefferson City including necessary furnishings. Also, new radio tower, transmitter house, emergency generator and radio console	1,177,600
Pistol Range - Provide building and range equipment at Troop C, Kirkwood	172,400
From Highway Fund	\$1,481,000
Section 1.055. To the Department of Public Safety	
For the Adjutant General	
For Physical Plant Improvements	
Maintenance/Repair - Provide general repairs to Aurora, Caruthers- ville, Chillicothe, Clinton, Jefferson Barracks, Warrensburg	\$98,600
Maintenance/Repair Provide general repairs at Dexter, Jefferson Barracks, Doniphan, Jackson, Farmington	100,000
Maintenance/Repair - Provide general repairs at Monett, Pierce City, Raytown, Rolla and Bernie	100,000
Maintenance/Repair - Provide general repairs at St. Joseph, St. Louis, Jefferson City, Jefferson Barracks, Albany, Fredericktown and Kirksville	100,000
Planning New Armories at Jefferson City, Kennett and Lebanon	
Emergency and Contingency Reserve	
From Revenue Sharing Trust Fund	\$398,600

This appropriation does not consider Federal funding which may become available for Missouri National Guard Facilities. State funds replaced by Federal funds may be used for essential repairs and/or replacements to any Missouri National Guard Facility. Funds in this appropriation may be used to support projects for which Federal funding may become available. No new buildings, except as specifically authorized herein, may be acquired or constructed with funds in this appropriation.

I hereby veto said section to the extent of \$50,900 to zero for planning new armories at Jefferson City, Kennett and Lebanon and I further veto said section from \$48,000 to zero for Emergency and Contingency Reserve and further veto the total from \$497,500 to \$398,600 for the reason that these two appropriations were not processed through the Department of Public Safety and Office of

Administration for review and neither agency has recommended them to me. Funds for emergency and contingency reserve purposes may be used from the remaining \$398,600 included in the bill for maintenance and general repairs at state armories.

JOSEPH P. TEASDALE, Governor

Section 1.060. To the Department of Mental Health

For the Central Office

For Physical Plant Improvements

Emergency Maintenance and Repair -

Contingency monies for state-wide
operation \$200,000

For Additions, Renovations & Rehabilitation -

Existing Structures

To comply with standards for intermediate care
facilities for the mentally retarded under provisions
of Title XIX of the Social Security Act as amended

Nevada State School and Hospital 3,613.976

Marshall State School and Hospital 2,433.600

From Revenue Sharing Trust Fund \$6,247.576

Nevada State School and Hospital

From Federal (Program Improvement) Funds \$1,136.744

Total **\$7,384.320**

Section 1.065. To the Department of Mental Health

For Farmington State Hospital

For Additions, Renovations & Rehabilitation -

Existing Structures

Air Condition Hall Building \$705.510

Air Condition Receiving Building 423.976

From Revenue Sharing Trust Fund \$1,129.486

Section 1.070. To the Department of Mental Health

For Fulton State Hospital

For Physical Plant Improvements

Utility Systems -

Replacement of fire and water mains at selected
areas throughout the campus \$94.640

Utility Systems -

Replacement of steam condensate return lines
and associated pumps at selected areas on
campus 87.360

From Revenue Sharing Trust Fund \$182,000

Maintenance and Repair -

Repair roofs on ten buildings and sealcoat
asphalt roadways in various locations

From Anti-Recession Fiscal Assistance Fund \$98,000

For Additions, Renovations & Rehabilitation -

Existing Structures

Clinic and Acute Hospital Heating System -

Phase II -

Complete the renovation of heating
system 196,000

Biggs Building-Heating System -	
Replace existing system with combination heating/air conditioning	336,000
From Revenue Sharing Trust Fund	\$532,000
Total	\$812,000
Section 1.075. To the Department of Mental Health	
For St. Joseph State Hospital	
For Physical Plant Improvements	
Utility Systems/Replacements -	
Including construction of manholes, heat controls at Park Building, electrical cabling to Staff Development and Progress Hall, new underground electrical service, removal and replacement of sinks, tubs and showers in Park and Woodson Buildings	\$57,859
Roof Replacement -	
Replace roofing insulation and flashing on Park, Center and Cold Storage Building	99,008
Utility Systems and Window Replacement -	
Replace hot and cold water lines in Center North and Center South Buildings including sewer line replacement, and replace windows in original part of M and S Buildings	86,822
Emergency Generator	89,600
Utility Systems -	
Replace all hot water, cold water, steam and return lines in the Park Building	99,017
Structural Repairs -	
Structural modifications to existing warehouse	80,640
From Revenue Sharing Trust Fund	\$512,946
For Physical Plant Improvements	
General Repairs -	
Sandblast, tuckpoint and paint Progress and Staff Development Buildings	
From Anti-Recession Fiscal Assistance Fund	\$99,429
Total Physical Plant Improvements	\$612,375
For Additions, Renovations & Rehabilitation -	
Existing Structures	
Power Plant Improvements -	
Replace boiler, install fuel economizer and construct metal building for central control of maintenance supplies	399,840
Fire Escapes - Vocational Building	
Construct three enclosed fire escapes	336,000
Renovate Woodson Building	1,351,504
Renovate Park Building	2,415,952
From Revenue Sharing Trust Fund	\$4,503,296
Total	\$5,115,671

Section 1.080. To the Department of Mental Health
For St. Louis State Hospital
For Physical Plant Improvements

Safety Programs -	
Replace fire escape on Main Hospital.....	77.280
Sprinkler System -	
Fire sprinklers in Main Hospital Building	99.680
Utility Systems -	
Repair or replace central cooling tower on Main Hospital and Kohler Building	50.000

From Revenue Sharing Trust Fund \$226.960

For Physical Plant Improvements

Roof Repairs -	
Repair or replace roofing, flashing, guttering and cornices on Main Hospital Building and power house	

From Anti-Recession Fiscal Assistance Fund \$99.680

For Physical Plant Improvements Boiler Replacement

From General Revenue Fund 287.000

Total Physical Plant Improvements \$613.640

For Additions, Renovations & Rehabilitation -

Existing Structures

Renovate Adult Psychiatric Wards -

Complete renovation of four wards located in "D" and "E" Sections of Main Hospital Building including necessary movable equipment	246.400
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Renovate "K" Building -

Complete air conditioning duckwork and provide general renovations for hospital out- patient services	175.000
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From Revenue Sharing Trust Fund \$421.400

Total \$1,035.040

Section 1.085. To the Department of Mental Health

For Malcolm Bliss Mental Health Center

For Physical Plant Improvements

Safety Programs/Replacements -

Reinforce fire exit walls, replace existing fire doors, renovate clothes dryer venting system, construct oxygen storage building and replace central tv antenna system	97.534
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Utility Systems/Safety Programs -

Replace sewer lines in basement - Phase I.	
Install security screens, install fire resistant metal shelving in various buildings, remove wall in Ground South treatment room and build in module clothing locker/desk combination	91.924

Replacements -

Replace 4,000 gallon hot water heater and windows in the patient areas in west side	99.120
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Maintenance and Repair/Safety Items -

 Install backflow preventers on water supply

APPROPRIATIONS

751

lines, lower ceilings in kitchen and nursing education classroom including new light fixtures. Renovate restrooms - 2nd, 3rd and 4th floors and repair terrazzo floors in various locations	97,204	
Replacements -		
Renovate serving kitchen-Ground South; install walk-in refrigerator and freezers; install stainless steel shelving; replace dish-washing system, food preparation equipment and install ice machines	98,552	
Improvements - Gratten Street Parking Lot	\$22,610	
Total Physical Plant Improvements		\$506,944
For Additions, Renovations & Rehabilitation - Existing Structures		
Utility Revisions - Heating and Cooling - Install independant heating and cooling distribution piping in selected areas of the building		\$224,000
From Revenue Sharing Trust Fund		\$730,944
Section 1.090. To the Department of Mental Health		
For Mid-Missouri Mental Health Center -		
For Physical Plant Improvements		
Safety Programs -		
Modify fire alarm system; replace stair treads, safety ramp pads; service and test fire extinguishers; install exhaust vacuum system in maintenance area and install patient monitoring equipment		
From Revenue Sharing Trust Fund		\$34,271
Physical Plant Improvements		
Maintenance/Repair -		
Repair cooling towers; recalibrate air handling control systems, repair roofs and install floor covering and drapes in patient bedrooms, waiting and consultation rooms		
From Anti-Recession Fiscal Assistance Fund		\$64,736
Total		\$99,007
Section 1.095. To the Department of Mental Health		
For Western Missouri Mental Health Center		
For Physical Plant Improvements		
Air Conditioning Unit Inspection	\$3,360	
For Additions, Renovations & Rehabilitation - Existing Structures		
Provisions Area -		
Construct a warehouse adjoining the existing Center Building	142,240	
Renovation of South Building - Phase 5 - Complete replacement of the heating system, radiators, fan coil units and controls	270,043	

Elevator Renovation -		
Replace elevator controls, motors and cables	156,800	
Air Conditioning -		
Cooling system on ground and basement floors including ceiling replacement and duct additions on 1st floor	168,000	
From Revenue Sharing Trust Fund		\$740,443
Section 1.100. To the Department of Mental Health		
For Higginsville State School and Hospital		
For Physical Plant Improvements		
Utility/Equipment/Repairs -		
Connect sewer system to City of Higginsville, install swimming pool heating equipment, replace gas pumping equipment, replace gas lines and repair fire alarm system	\$99,680	
Roadways/General Repairs -		
Widen and resurface drive from Administration Building to City Route 13. Replace dock approaches at all cottages and construct dock on E-2 Cottage. Construct parking lot and install air circulating system for natatorium	99,680	
From Anti-Recession Fiscal Assistance Fund		\$199,360
For additions, Renovations & Rehabilitation -		
Existing Structures		
Air Conditioning -		
Provide central air conditioning for A Cottage		
From Revenue Sharing Trust Fund		184,800
Total		\$384,160
Section 1.105. To the Department of Mental Health		
For Marshall State School and Hospital		
For Physical Plant Improvements		
Power Plant -		
Repair and renovate boiler #3	\$99,680	
Roof Repairs and Replacements -		
Replace or repair roofing, flashing and guttering on Cottages 1 and 2, maintenance shop, power plant and boiler plant and renovation of elevators	53,251	
General Repairs -		
Review warning systems, tuckpoint and waterproof power plant, power plant stack, Cottage 1, Cottage 2, Cottage 6 and entrance to Administration Building. Also, re-insulate piping in power plant, repair boiler controls, replace hot water pump, chemical feed pump and replace water softener tanks and air compressor unit	60,104	
From Anti-Recession Fiscal Assistance Fund		\$213,035
For Additions, Renovations & Rehabilitation -		

Existing Structures		
Renovation Cottage 1 -		
Windows, rebuilding concrete porch, re-		
novating heating/cooling system and		
general interior renovations	212,800	
Power Plant Renovation -		
New high voltage switching, service entrance,		
high voltage feeder circuit, transformers		
and general rewiring to meet code require-		
ments in Buildings A through G and the		
school building	220,810	
From Revenue Sharing Trust Fund		\$433,610
Total		\$646,645
Section 1.106. To the Dept. of Mental Health		
For Marshall State School and Hospital		
For construction of one duplex living unit		
From Revenue Sharing Trust Fund		\$275,000
Section 1.110. To the Department of Mental Health		
For Nevada State School and Hospital		
For Physical Plant Improvements		
Roof Repairs -		
Repair roofs and guttering on Sections		
I, II and III	\$81,452	
Roofing/Tuckpointing -		
Tuckpoint and repair roofs on Center,		
Rush, Firehouse and all surgical		
kitchen buildings	99,680	
From Anti-Recession Fiscal Assistance Fund		\$181,132
For Additions, Renovations & Rehabilitation -		
Existing Structures		
Electrical Renovation -		
Electrical rewiring in the Center, Cafeteria and		
Auditorium Buildings	272,245	
Replace Laundry Equipment -		
Replace laundry clothes dryer and sheet		
folder	78,500	
General Repairs - Section IV -		
Replace windows, screens and doors, install		
safety stair treads and replace gymnasium		
floor	278,412	
From Revenue Sharing Trust Fund		\$629,157
Total		\$810,289
Section 1.115. To the Department of Mental Health		
For St. Louis State School and Hospital		
For Physical Plant Improvements		
General Repairs -		
Replace feed water heater, softener equipment,		
air compressors and dishwasher, renovate		

two bathrooms in Donnelly Building, and construct four outdoor patio shelters for residents	\$95,536
Safety Items -	
Install sidewalks and ramps where necessary throughout the institutional grounds	56,095
Roof Repairs -	
Repair roofs on buildings throughout the campus	127,600
Painting -	
Paint exterior woodwork on all buildings	60,000
For Additions, Renovations and Rehabilitations	
Extensions to Elliott Building including a service road	108,960
For New Structures - Land Acquisition	
For construction of a multipurpose building	
From Revenue Sharing Trust Fund	\$448,191

I hereby veto said section to the extent of \$2,587,200 to zero for construction of a multi-purpose building, and the total from Revenue Sharing Trust Fund from \$3,035,391 to \$448,191 for the reason that this structure has been ranked 53rd among 56 priorities recommended to me by the Department of Mental Health. This capital improvements bill which I am approving includes more than \$20 million for mental health facilities throughout the state of Missouri, which is consistent with the strong state funding in recent years for mental health.

JOSEPH P. TEASDALE, Governor

Section 1.120. To the Department of Mental Health For Albany Regional Center for Developmentally Disabled For Physical Plant Improvements	
General Repairs -	
Replace emergency lights, repair roofs, driveways and modify bathrooms for the handicapped	\$18,032
Day Room -	
Expand day room areas, including necessary heating, lighting and ventilation	26,880
From Revenue Sharing Trust Fund	\$44,912
Section 1.125. To the Department of Mental Health For Hannibal Regional Center for Developmentally Disabled For Physical Plant Improvements	
Complete Playground Surfacing	\$5,000
Walk and Retaining Wall Repair	3,000
Safety Items -	
Install guide rails, hand bars and partitions to assist physically handicapped in using bath and restroom facilities	4,000
Security Fence -	
Install security fencing and necessary gates around property lines	33,600
From Revenue Sharing Trust Fund	\$45,600
Section 1.130. To the Department of Mental Health	

APPROPRIATIONS

755

For Joplin Regional Center for Developmentally Disabled
 For Physical Plant Improvements
 Additions - Renovations -
 Construct approximately 1,400 square feet of
 building addition
 From Revenue Sharing Trust Fund \$93,587

Section 1.135. To the Department of Mental Health
 For Kansas City Regional Center for Developmentally Disabled
 For Physical Plant Improvements
 Furnishings and Equipment -
 Purchase dental equipment \$53,760
 Safety Programs/Renovations -
 Install artificial turf on playgrounds, install
 facilities for handicapped in bathrooms,
 repair roof and construct entrance
 canopy 41,793
 From Revenue Sharing Trust Fund \$95,553

Section 1.140. To the Department of Mental Health
 For Kirksville Regional Center for Developmentally Disabled
 For Physical Plant Improvements
 General Repairs -
 Renovate restrooms to provide access for the
 handicapped and provide water coolers
 accessible to the handicapped \$5,600
 Building/Land Improvements -
 Replace chimney, replace front entrance
 paving, replace broken parking blocks with
 continuous curb, and, provide additional
 playground areas 11,200
 Floor Covering -
 Install floor covering in four classrooms, client
 library and materials center 4,570
 From Revenue Sharing Trust Fund \$21,370

Section 1.145. To the Department of Mental Health
 For Poplar Bluff Regional Center for Developmentally Disabled
 For Physical Plant Improvements
 Maintenance/Repair -
 Renovate bathrooms and repair roof
 From Revenue Sharing Trust Fund \$13,861

Section 1.150. To the Department of Mental Health
 For Rolla Regional Center for Developmentally Disabled
 For Physical Plant Improvements
 Renovations -
 Renovate bathrooms to provide for the
 handicapped \$4,480
 Driveways/Parking Lots -
 Repair or resurface drives and parking
 lots 19,936
 Air Conditioning -

Install air conditioning units in present ductwork	8,736	
From Revenue Sharing Trust Fund		\$33,152
Section 1.155. To the Department of Mental Health		
For Sikeston Regional Center for Developmentally Disabled		
For Physical Plant Improvements		
Safety Programs -		
Cover open ditch that separates six-acre tract from main building		
From Revenue Sharing Trust Fund		\$27,000
Section 1.160. To the Department of Mental Health		
For Springfield Regional Center for Developmentally Disabled		
For Physical Plant Improvements		
Renovations -		
Renovate day room, bathrooms, hallways and dormitory	16,800	
Building Addition -		
Add approximately 400 square feet to existing building for testing and interviewing rooms, including necessary equipment	18,051	
From Revenue Sharing Trust Fund		\$34,851
Section 1.165. To the Department of Social Services		
For Central Office		
For Physical Plant Improvements		
Emergency Contingencies-Statewide		
From Revenue Sharing Trust Fund		\$100,000
Section 1.170. To the Department of Social Services		
For Division of Health		
For Missouri State Chest Hospital		
For Physical Plant Improvements		
Waterproofing -		
Replace roofs on the medical, dormitory, and tuckpoint medical building	\$109,088	
Safety Programs -		
Construct spray painting booth and provide general exterior lighting of streets and parking lots	15,000	
From Revenue Sharing Trust Fund		\$124,088
For Physical Plant Improvements		
Maintenance and Repair -		
Install air handler units in various locations, renovate air conditioning system in operating rooms and install door hardware in Infirmary Building		
From Anti-Recession Fiscal Assistance Fund		\$42,100
For Additions, Renovations & Rehabilitation -		
Existing Structures		
Fire and Safety -		
Fire Truck and construction of fire station building	50,000	

APPROPRIATIONS

757

Utility Revisions -	
750,000 gallon water tower, including renovation to existing distribution system and replacement of ancillary equipment.....	336,000
From Revenue Sharing Trust Fund	\$386,000
Total	\$552,188
Section 1.175. To the Department of Social Services	
For Division of Health	
For Ellis Fischel State Cancer Hospital	
For Physical Plant Improvements	
Lighting Arrestor System	21,280
Replace floor covering on Surgical Patient	
Floor	20,720
From Revenue Sharing Trust Fund	\$42,000
Section 1.180. To the Department of Social Services	
For Division of Veterans' Affairs	
For State/Federal Soldiers' Home	
For Physical Plant Improvements	
Maintenance and Repair -	
Replace windows in two solaria and install electrical heat	\$6,406
Window Replacement -	
Replace windows and screens in dormitories with thermo-windows.....	28,890
Bath Facilities - Men's Dormitory -	
Modification of Men's Dormitory allowing half-baths between each two rooms, and construction of two nursing stations contingent on the Veterans Administration's participation of 65% of the cost	524,160
For New Structures - Land Acquisition -	
Equipment Storage Building -	
Construct a building for storage of vehicles, including an Automotive Repair Shop	10,000
From Revenue Sharing Trust Fund	\$569,456
Section 1.185. To the Department of Social Services	
For Division of Corrections	
For Physical Plant Improvements	
New Boiler - Fordland Honor Camp	\$67,000
Roof Repairs - Phase I -	
Roof repairs of existing buildings at Algoa, Church Farm, Missouri State Penitentiary, Moberly, and Renz Farm and replacement of siding on staff houses at Fordland	112,000
Road Resurfacing - Division Wide - Phase I -	
For patching, sealing, and repaving where necessary, existing pavement, and pave or resurface other existing gravel roads within the institutions of the Division of Corrections	50,000

For Additions, Renovations & Rehabilitation -

Existing Structures -

Segregation Dormitory - Algoa -

Renovate administrative and disciplinary segregation dormitory to provide adequate heating, ventilation, and plumbing facilities	112,000
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Steam Distribution System - Missouri

State Penitentiary -

last phase renovation of the steam distribution system	224,000
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Phase III Renovation - Sewage Disposal

Systems -

To upgrade existing sewage disposal systems throughout the Division	168,000
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Kitchen and Dormitories - Tipton -

Replace kitchen/dining room floors, two cooking ranges, one stack oven, dishwasher, freezer, cooler, ice-making machine, garbage disposal, grease trap, and air conditioning, and renovate inmate dormitories	156,800
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Rehabilitate Elevators -

Renovate the existing elevators at the Missouri State Penitentiary and one freight elevator at Church Farm	168,000
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Heating Lines - Moberly -

Begin a phased renovation of the high temperature hot water heating lines	168,000
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For New Structures -

For design, development and construction of a medium security prison for at least 500 inmates, including site acquisition in St. Louis City, St. Louis County or Washington County	25,000,000
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For renovation and new construction to create a maximum security area within Missouri State Penitentiary to provide 464 cells with capacity to isolate 564 inmates. Construction includes buildings for the education program, a chapel and an all purpose building for the maximum security area. Renovation includes electrical systems, fencing, roadways, site utilities, outside recreation area, hospital security, roof repair and construction of 104 additional cells	6,676,500
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For renovation and new construction at Church Farm to provide a minimum security facility for 200 inmates and a medium security facility for 420 inmates. New construction includes dormitory accommodations for 200 additional inmates, an all purpose building and new buildings within a medium security area. Renovation includes utility systems, converting dormitories to rooms and converting gymnasium to education and office space	3,500,000
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For new construction at Renz Correctional Center to accommodate 50 inmates	90,000
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APPROPRIATIONS

759

For new construction at the Missouri Training Center for Men (Moberly) to accommodate 100 inmates	620,000
For new construction at the State Correctional Pre-Release Center (Tipton) to accommodate 50 inmates and to provide a new activities building	252,000
For New Structures - Land Acquisition	
Recreation Field Complex - Algoa	
For excavating, grading, finishing, and for guard tower	93,300
From General Revenue	\$15,689,493
From Revenue Sharing Trust Fund	\$21,768,107
Total	\$37,457,600

Section 1.190. To the Department of Social Services

For Division of Youth Services

For Physical Plant Improvements

Utility Systems - Training School for Girls -

Air Conditioning for Stark Cottage

General Repairs -

Replace fuse boxes, wiring, and install security screens, surface parking lot and playground, tuckpoint building and install floor tile in gym at the Hogan Street Youth Center

Maintenance/Repair -

Make necessary miscellaneous repairs throughout the existing facilities at the Training School for Boys

General Repairs - Training School for Girls -

Replacement of windows at Hyde School, replace front steps and doorways on Hyde School and replace doors at Stark Cottage

Maintenance/Repair - Training School for Boys -

Provide floor covering, replace water lines, renovate bathrooms, and repair sewer lines in John J. Pershing School

Kitchen Repair - Training School for Boys -

Repair water lines, sewer lines, bathroom areas, and repair refrigeration units

From Revenue Sharing Trust Fund

Section 1.195. To the Department of Higher Education

For University of Missouri

For Physical Plant Improvements

Columbia -

Utility Systems, Safety Programs, Replacements/Alterations, Maintenance and Repair

Kansas City -

Utility Systems, Safety Programs, Replacements/Alterations, Maintenance and Repair

Rolla -

Utility Systems, Safety Programs, Replacements/Alterations, Maintenance and Repair	287,250
Rolla -	
Construct Chemical Storage Building	304,000
St. Louis -	
Utility Systems, Safety Programs, Replacements/Alterations, Maintenance and Repair	151,000
For Additions, Renovations & Rehabilitation -	
Existing Structures	
Columbia - Addition to Journalism School	695,000
Rolla - Heating Plant Improvement Feasibility Study	5,000
Agricultural Experiment Station -	
Maintenance and repair for various facilities at the Experiment Station	300,000
Columbia - Planning Funds for Library Storage Facility	60,000
Columbia - Planning Funds for Renovation of Engineering Building	28,500
From Revenue Sharing Trust Fund	\$3,230,750
Section 1.200. To the Department of Higher Education	
For Southwest Missouri State University	
For Physical Plant Improvements - Springfield	
Utility Systems -	
Primary electric service, add to campus lighting, ventilate utility tunnels, repair storm/sanitary sewer systems and repair utility tunnels	\$105,000
Safety Programs -	
Install window safety devices, add to emergency lighting system	10,000
Replacements -	
Replace windows at Carrington Hall and floor tile at Greenwood	42,000
Maintenance and Repair -	
Repair roofs, seal walls, repair metal facia, remodel offices, classrooms and laboratories, repair fences, tuckpoint, repair swimming pool and storage building	152,000
For Physical Plant Improvements -	
Fruit Experiment Station	
Utility Systems -	
Extension of irrigation system extend and improve fire system	25,000
For Physical Plant Improvements -	
West Plains	
Residence Center	
Maintenance and repair of buildings	10,000
For Additions, Renovations and Rehabilitation	
Existing Structures -	
Energy Monitoring System -	

Automatically monitor and reset operating equipment to optimize the fuel consumption ..	185,000	
Facilities for Handicapped -		
Alterations to six buildings on the campus to make them usable by handicapped students and various modifications to sidewalks and streets, identification signs and other alterations	100,000	
New Structures - Land Acquisition		
Planning and design of a new library building	200,000	
From Revenue Sharing Trust Fund		\$829,000
Section 1.205. To the Department of Higher Education		
For Central Missouri State University		
For Physical Plant Improvements		
Major Repairs and Replacements -		
Various repairs throughout campus		
From Revenue Sharing Trust Fund		\$195,600
Section 1.210. To the Department of Higher Education		
For Southeast Missouri State University		
For Physical Plant Improvements		
Miscellaneous Repairs and Replacements -		
Miscellaneous repairs and replacements to equipment, furnishings, buildings, systems and campus grounds		
From Anti-Recession Fiscal Assistance Fund		\$342,325
For Additions, Renovations and Rehabilitation		
Existing Structures -		
Energy Conservation - Power Plant -		
Centralized metering of all utilities, centralized control of utility distribution, extension of smoke stacks for boilers		
From Revenue Sharing Trust Fund		243,000
Total		\$585,325
Section 1.215. To the Department of Higher Education		
For Northeast Missouri State University		
For Physical Plant Improvements		
General Renovations/Repairs -		
Chemical storage facility roof and wall repairs, painting, interior renovations, mechanical revisions, water main	\$365,000	
For Additions, Renovations and Rehabilitation		
Existing Structures -		
Utilities Monitoring System -		
Installation of a monitoring system for existing utilities	185,000	
From Revenue Sharing Trust Fund		\$550,000
Section 1.220. To the Department of Higher Education		
For Northwest Missouri State University		

For Physical Plant Improvements

Utility Systems -

Map and inspect utility systems, repair steam lines and make energy conservation study. Also, provide various safety items such as extinguishers, showers, security lighting, stair towers, repair high voltage system, replace fuel oil tank, repair structural systems, replace various pumps and lines, masonry repair, roof repair, electrical distribution panels, sewer lines, retaining walls, cyclone fence, street and walk improvements and various light projects \$392,429

For Additions, Renovations and Rehabilitation

Existing Structures -

Administration Building -

Complete the renovation of the Administration Building 616,000

From Revenue Sharing Trust Fund \$1,008,429

Section 1.225. To the Department of Higher Education

For Missouri Southern State College

For Physical Plant Improvements

General Repairs

Repair parking areas, exterior painting, repair service drive, roofs, tuckpointing and waterproofing

From Revenue Sharing Trust Fund \$255,000

Section 1.226. To the Department of Higher Education

For Missouri Southern State College

Planning money for a new Technology Classroom Building

From Revenue Sharing Trust Fund \$50,000

Section 1.230. To the Department of Higher Education

For Missouri Western College

For Physical Plant Improvements

General Repairs

Inspect and repair heating and air conditioning systems, repair parking lots and repair roofs, painting classrooms and other public areas, extension and completion of sidewalks, asphalt surface road to maintenance complex, improve physical education and athletic outdoor classroom areas, and accoustical treatment of musical facilities

From Revenue Sharing Trust Fund \$255,000

Section 1.235. To the Department of Higher Education

For Lincoln University

For Physical Plant Improvements

General Repairs/Replacements

Provide campus security lighting and key system, electrical repairs, sewer and water line repair, pipe insulation, renovate radio station

transmitter and tower, investigate structural problem in ROTC Building, erosion control, roof repair, waterproofing and tuckpointing, patching, plastering, painting, paving repairs, air conditioning repairs, retaining wall repairs, landscaping	\$226,000
For Additions, Renovations and Rehabilitation Existing Structures	
Utility Distribution System	
Continue with utility system improvements throughout campus	972,400
From Revenue Sharing Trust Fund	\$1,198,400
Section 1.240. To the Department of Higher Education For Lincoln University	
For Physical Plant - Improvements	
General Repairs -	
For completion of shipping-receiving-supply building driveways, walks and curbs, retaining walls and installation of roof drainage system	
From Second State Building Fund	\$24,173E
Section 1.245. To the Department of Higher Education For Lincoln University	
For Additions, Renovations and Rehabilitation Existing Structures -	
Richardson Fine Arts Center	
From Revenue Sharing Trust Fund	\$400,000
Section 1.250. To the General Assembly	
For the Missouri Senate	
For capitol improvements, including enclosing and decorating the side galleries of the Senate Chamber	
From Revenue Sharing Trust Fund	\$50,000

Approved September 26, 1977.

[H. B. 2]

APPROPRIATIONS: Department of Public Safety.

AN ACT to appropriate money for the Department of Public Safety for the period beginning July 1, 1977 and ending June 30, 1978.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 2.010. To the Department of Public Safety
 For the Adjutant General
 For Disaster Planning and Operations Office
 All allotments, grants and contributions which may be deposited in the State Treasury for the use of the Disaster Planning and Operations Office

From Federal Funds	\$15,900,000
To provide matching funds for federal grants received under the Individual and Family Grant Program, Public Law 93-288, Section 408	
From General Revenue	300,000
Total	\$16,200,000

Approved September 27, 1977.

**EFFECTIVE DATE AND PAGE NUMBERS OF LAWS PASSED BY
THE SEVENTY-NINTH GENERAL ASSEMBLY
FIRST EXTRA SESSION**

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